DATTAKA-TILAKAḤ

The Sanskrit Text critically edited with the editor's Ṭīkā named *Dīpti* along with English and Bengali translations together with an elaborate Introduction and Appendices

Edited by
JAYDEB GANGULY SHASTRI

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DATTAKA-TILAKAḤ

The Sanskrit Text critically edited with the editor's Ṭīkā named *Dīpti* along with English and Bengali translations together with an elaborate Introduction and Appendices
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FOREWORD

It is my privilege to present to the discerning readers of Oriental Studies, and particularly the students of Hindu jurisprudence, Dattaka-Tilakaḥ, the Sanskrit text critically edited with Ṭīkā named Dīpti along with English and Bengali translations by Professor Jaydeb Ganguly Shastri. This publication is based on two Smṛti manuscripts written in old Bengali script having almost the same contents and obtained from manuscripts collection of the Library of the Sanskrit Sahitya Parishat, Kolkata. This publication throws much light on Hindu Saṃskāras relating to adoption—its justification and mode and in the process an indelible mark of scholarship and erudition of the editor. This publication perhaps would not have seen the light of the day but for the active cooperation of my colleague, Dr. S. R. Banerjee, the present Library Secretary, Sm Sarbani Bose, and our staff of the Publication Division, since the Late Ganguly Shastri had an untimely death immediately after completing the work.

Sept. 15, 2004

Dilip Coomer Ghose
General Secretary
The Asiatic Society

INTRODUCTION

In the following pages we have given for the first time the printed text of a newly discovered Smṛti-work named *Dattakatilaka*, written by the illustrious polymath Bhaṭṭa Bhavadeva of Bengal. He was the *Dharmādhyakṣa* of the King of Vaṅga and had a queer sobriquet *Bāla-valabhī-bhujaṅga(ma)* added to his name. Of all the Smṛti-digest writers of this province, it is he whose work on sacraments is still followed by the Bengali Hindus. We had before him Bālaka, Jikana, Yogloka and others, after him many including the great Raghunandana, but on Saṃskāras the influence of his work continues to be felt on the socio-religious life of the people of this province.

Raibahadur Manomohan Chakravorty[1], Nanigopal Majumdar, Prof. S.K. De, P.V. Kane and my teacher Prof. R.C. Hazra have made detailed and interesting discussions on Bhaṭṭa Bhavadeva. Here I have made free use of their writings, specially of Prof. Hazra's writing which is the latest on the subject with important additions and modifications wherever necessary.

Bhaṭṭa Bhavadeva's date has been taken as the period from C. last quarter of the 11th century to the 1st quarter of the next one and this was the period that witnessed the progress of a movement for Hindu revival, specially of the religion based on the Vedas. This movement, as we have seen, originally started with Śabara's interpretation of the

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1. M.M. Chakravarty in the Journal of the Asiatic Society of Bengal, 1912 pp. 342-45; N.G. Majumder, Inscriptions of Bengal, Vol. III; Prof. S.K. De, History of Bengal, Vol. I. pp. 322-23. Prof. P.V. Kane, History of Dharmaśāstra, 2nd edn. Vol. I. P. II. Prof. Hazra, Indian Historical Quarterly, xxxii, 1956, pp. 1-14 and in his introduction to Bhavadeva's *Śavasūtakāsauca prakaraṇa* edited by him.

Mīmāṃsā Sūtras, Kumārila's comments on them and Śaṅkara's monistic interpretation of the Vedānta Sūtras. It aimed at firmly establishing the Vedic religion, refusing the attacks against it started by nonbelievers like Diṅnāga, Dharmakīrti, Dharmottara and their followers, and went on increasing with considerable force. This feeling formed expression in the writing of Smṛti-digest writers of Mithilā and Bengal like Bhaṭṭa Bhavadeva, Vallālasena, Halāyudha, Śrīdattopādhyāya, Caṇḍeśvara Ṭhakkura and others who set on interpreting Vedic tenets and maintained rebellion against the path of the non-believers.

From the Bhuvaneshwara (Ananta Vāsudeva) temple inscription[2] eulogising Bhaṭṭa Bhavadeva and from other sources we learn that he was a versatile scholar, a renowned author, a learned jurist, an able politician[3] and a great warrior—all the qualities combined in one. Naturally he was one of the most remarkable personalities of his time. He became the minister of king Harivarman of Vaṅga who flourished about the last quarter of the eleventh or the first quarter of the twelfth century AD and issued a copper plate grant from Vikrampur in East Bengal. He was a brāhmin of Sāvarṇa gotra and belonged to the village Siddhala in uttara Rāḍha. To supply potable water to the arid zones of Rāḍha he caused excavation of reservoirs of water. His dear friend *(priya suhṛt)* the poet Vācaspati depicted in his *praśastī* his

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2. For the text and English translation of this inscription, see Inscriptions of Bengal, Vol. III. pp. 25-41. Before this, the record was published by James Prinsep, with an English translation by G.T. Marshall in J.A.S.B. VI, 1837, pp. 88-97, by Rajendralala Mitra in his Antiquities of Orissa, Vol. II, pp. 85-87, and by F. Kielhorn in Epigraphia Indica, VI, pp. 203-207. Prof. Hazra also had translated a few of the relevant verses of the record—in his work noted before.
3. According to M.M. Chakravarty, the colophon of the 1st chapter of his copy of the ms. of the *Prāyaścitta Prakaraṇa* runs thus : *"iti śandhivi grahika śrī bhavadeva kṛtau prāyaścitta prakaraṇe vadha paricchedaḥ samāptaḥ."* But the printed text of the work has—*"bāle valabhibhujaṅgāpara nāma bhaṭṭa bhavadeva kṛtau.....prāyaścittaprakaraṇe brahmavadha paricchedaḥ samāptaḥ."*

remarkable career. Bhavadeva caused the construction of the temple at Bhuvaneshvara installing Nārāyaṇa, Ananta and Nṛsiṁha and thereby expressed his religious inclinations. His genealogy is given thus :

1. Bhavadeva I (received land grant from a king of Gauḍa)
2. Rathāṅga
3. Atyaṅga (=Sphurita)
4. Budha
5. Ādideva (minister of a King of Vaṅga), wife Devakī
6. Govardhana—wife Sāṅgokā
7. Bhavadeva (Bālavalabhībhujaṅga[ma]—minister of king Harivarman.

This inscription and colophons to some of his works note that he was well-versed in Brahmādvaita (ie. Śāṅkara-vedānta) and Bhaṭṭa mīmāṃsā (ie. Kumārila's[4] interpretation of the Mīmāṃsāsūtra). He was the Jar born sage (Agastya) to the ocean in the form of the Bauddha and was expert in refuting the wisdom of all heratic dialecticians *(pāṣaṇḍa-vaitaṇḍika)* and played the part of omniscient (ie. all knowing Brahmā) on earth. He acquired thorough knowledge of Siddhānta Tantra, Gaṇita, Āgama, Arthaśāstra, Āyurveda, Astra-veda etc. and also of Phala Saṃhitā (astrological sciences), the Sāmans and all the poetic arts *(sakala kavikalā)*. He himself was the author and promulgator of a new tract on horoscopy *(navīna horāśāstra)* and thus appeared like another Varāhamihira. Following the line of Kumārila Bhaṭṭa he wrote a guide book on Mīmāṃsā in which there are a thousand maxims *(nyāya)*

4. We know that the Mimāṃsā maxims were commented upon by Śabara Svāmin in his *Śābara bhāṣya* which subsequently came to be interpreted by three scholars in three obviously different ways, i.e. by Kumārila, by Prabhākara and by Murāri. See in this connection my paper on Nandīśvara's *Prabhākaravijaya* and his *Prayuktinirṇaya prakaraṇa* in Prof. G.M. Bhattacharya Commemoration Volume, pp. 371-81. Also see the *Prakaraṇapañcikā* of Śālikanātha [Ed. Pt. A. Subrahmanya Shastri, Benaras Hindu University, 1961] introduction for details.

which like the thousand rays of the sun, do not admit of '*tamas*' (darkness or ignorance of errors) and he made blind (ie. cast into shade) the old digests in the different branches of Dharmaśāstra by himself composing proper treatises and removed the doubts relating to the Smārta rites by elucidating the verses of Sages on Dharma by his excellent commentaries.[5]

This may appear to be hyperbolic encomium showered on a person of socio-religious importance by a friend of his. But almost similar words are repeated in another form in the colophons of his works. The *Dattakatilaka* which we are going to present has at the colophon the following :

bālavalabhībhujaṅga sañcitaṃ dattakādisuta
mānasodayaṃ
doṣa moṣa paritoṣa śālibhir dhāryatām amala
buddhisūribhiḥ
prāyaścitte tithau śuddhau sambandhe grahayajñake
vyavahāre ca Saṃskāre vaidyake viṣamocane
vedabhāṣye śabda bhāṣye yā kṛtiḥ sā hi dattake
kṛtiḥ kalyāṇajanikā kaṇikā saṃskṛtasya ca
bhavadevasyārthaneyaṃ modāyāstāṃ vivekinām //

5. The relevant verses (v.v. 20-23) of the record are given below: *brahmādvaitavidām udāharaṇabhūradbhūta vidyādbhutaḥ sraṣṭā bhaṭṭagirāṃ gabhīnimaguṇa pratyakṣadṛśvā kaviḥ / bauddhām bhonidhi kumbhasambhavamunih pāṣaṇḍa-vaitaṇḍika prajñā khaṇḍana paṇḍito'yam avanau sarvajña līlāyate* V. 20.
siddhānta tantrārṇava pāradṛśvā viśvādbhuta prasavitā phale samhitāsu kartā svayaṃ prathayitā ca navīna horāśāstrasya yaḥ spuṭam- abhūdaparo varāhaṇt
yo dharmaśāstra padarīṣu jaran-nibandhan and hī cakāra racitocito satprabandhaḥ/
suvyā khyayzviśadayan munedharmagāthāḥ smārta kriyāviṣaya saṃśayam unmamārju//
mīmāṃsayām upāvaḥ sa khalm viracito yena bhaṭṭakkhanītyā yatra nyāyāḥ sahasvaṃ ravikiyaṇa samā na ṣamante tamāṃsi/ kiṃbhūmnā sīmni sāmnāṃ sakala kavikalāsvā-gameṣvarthaśstreṣv āyarvedāstraśāstra prabhṛtisu kṛtadhīradvitāy'oyam eva // v.23.

From these it appears that Bhavadeva was the author of a number of works including *prāyaścitta, tithi, śuddhi, sambandha, grahayajña, vyavahāra, saṃskāra, vaidyakaśāstra, viṣamocana, veda-bhāṣya, śabdabhāṣya and dattaka*—i.e. on twelve subjects he wrote.

In the colophons of his works (available in print or in ms. form), in many places Bhavadeva has been given many honorific like *mahāsāndhirigrahika, śrīvaṅgādhirāja śrībhaṭṭācārya, vaṅgādhipadharmādhyakṣa* and so on and Prof. R.C. Hazra has written a lot on the implications of them. In this context he made a thorough analysis of the Bhuvaneśvara praśasti of Bhaṭṭa Bhavadeva—specially of the portion showering honorific on Bhavadeva (V.V. 15-18, 20-23) and tried to find out their bearing on the contemporary history of Bengal and its adjacent provinces like Orissa and Assam. He came to the conclusion that Bhavadeva's royal patron, perhaps the successor of King Harivarman, dwindled into insignificance before the multifarious qualities of Bhavadeva. As a result, Bhavadeva exercised unrestrained royal power and became an uncrowned king of Vaṅga of his time so to say.

This left a deep impression on the mind of the common people, who must have heard of Bhavadeva's unique status in the state. As a consequence they started to designate him as *Śrīvaṅgādhirāja*. His image grew up in structure before them and encomiums therefore came to be showered on him.

Bhavadeva has got an unique sobriquet—which we find at the end of some mss of his works including the present one and that is *Bālavalabhībhujaṅga*.[6] This expression has defined attempts of scholars to explain it properly. M.M. Chakravarty thinks it to mean 'a young serpent of the turret'

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6. M.M. Chakravarty, J.A.S.B. 1912, pp. 341-42; N.G. Majumdar, Inscription of Bengal, III, p. 31; P.V. Kane, History of Dharmashastra, Vol. I. pp. II; S.K. De, History of Bengal, I, p. 320, fn. 2.; R.C. Hazra in *Śavasūtakā Śaucaprakaraṇa*, introduction, pp. XVII ff.

but adds that it is derived from the family to which Bhaṭṭa Bhavadeva belonged and 'it is not capable of explanation', or 'it is a personal name' N.G. Majumdar held that like *Vṛddha-valabhī*, name of a village in Gauḍadeśa (mentioned in Trivikramasūri's *Sarvadeva pratiṣṭhā-paddhati*), Bāla-valabhī was also a place in Gauḍa. It is named in the commentary of Sandhyākaranandin's *Rāmacarita* II.5 (*bālabalabhī-taraṅga bala* etc...etc.) and the whole expression meant the serpent of Bālavalabhī and the meaning remained obscure. We may note here, that in the commentary to the *Rāmacarita* the word appears to indicate the name of a stream and again in the text of the work itself (R.C. III). II. We have reference to the stream valabhī/balabhī (*api pṛthu kaccha-balabhī kṛśatara kṛtotthānāṃ* etc.). Mss. P.V. Kane gave a very fanciful interpretation. In his view, Bhavadeva possibly made innovation in the structure if the roofs or balconies he built and he was therefore styled a lover (a gallant or paramour) of little (bāla ie. small sized or girlish) valabhīs.[7] Prof. S.K. De took the word Bālavalabhī as a place name and Bhujaṅga as a lover or *Nāgaraka* (of Kāmasūtra) and not as serpent and following him Nihar Ranjan Ray also took the expression to mean *nāgaraka* of the city named Bālavalabhī. Not satisfied with these interpretations, Prof. Hazra took it to mean a serpent (ie. a dangerous and invincible scholar) of Bālavalabhī, for this he has referred to the introductory verses of the *Tantātita mata tilaka* of Bhavadeva where in the latter spoke of dream of his student days—in which goddess Sarasvatī addressed him with this expression.

Prof. Hazra has also analysed the expression into four components—Bāla, Bala, Bhī and Bhujaṅga and gave the meaning as 'one who is a serpent to the fear of hosts of young learners (as regards the subjects which are difficult to understand). One must accept and praise the ingenuity of the interpretation but at the same time one is constrained to admit its farfetchedness. Hence we try to handle the

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7. We are not to forget that nowhere in the *Bhavadeva praśasti*—' or in any colophon could we find any reference to Bhavadeva's aptitude in architectural science.

expression in another way. Bālavalabhī is a place name and Bhujaṅga (like Nāga, Siṃha, Śārdūla etc.) appearing as the second component *(uttarapada)* in a compound is to be taken to imply greatness :

syur uttarapade vyāghra puṅgavarṣabha kuñjarāḥ/
siṃha śārdūla nāgādyāḥ puṃsi śreṣṭhārtha sūcakāḥ//

In that case the expression comes to mean "the most eminent man of Bālavalabhī." One may argue that extant examples (like *puruṣa siṃha* etc.) are all examples of '*upamita tatpuruṣa*' compound and the present one presents a *ṣaṣṭhī tatpuruṣa*. The reply is that the expression is an example of extension of the principle indicated in the couplet. So we want to remain contented with the meaning "the best man of the village/town of Bālavalabhī" and this was possible due to the multifaceted genius of Bhaṭṭa Bhavadeva.

In the Nāgarakertāgama *(nāgarakṛtāgama)* a work of Java (Indonesia) discussing *inter alia*, the history, religious belief, ecclesiastical organisation, cultural matters etc. in the 14th century A.D. Majapahit (period of Java) we have a strange information. We are told in it that in the Majapahit court the word Bhujaṅga (rendered : cleric, ecclesiastical officer) seems to be the term for men of religion in general; but especially Shivaites and Buddhists.[8] The cultural inter-course between Java and Eastern India, specially Vaṅga-Magadha was well in currency when the Pala and the Śailendra rulers were in power. At that time, with Indian religious faiths, connected Sanskrit words also made inroads into the vocabulary of Java and Bhujaṅga (=Bhujangga) was one such word. It is also known that Bhaṭṭa Bhavadeva was the Dharmādhyakṣa of King Harivarman, so it is quite possible that the expression "*Bālavalabhībhujaṅga*" means the clergyman, the officer in-charge of religious affairs (ie.

8. Java in the 14th century, a study in cultural history (The Nāgara-kerta gama, by Rakawi Prapanca of Majapahit, 1365), Chapter 2. p. 484. (Translated into English by Thesdore G. Th. Pigeand and published from the Hague, 1962).

the Dharmādhyakṣa) from the place Bālavalabhī. And no derogatory[9] meaning is to be sought in the word Bhujaṅga.

In spite of his unusual greatness, Bhavadeva, however, could not rise above the customs of his contemporary society. In his *Tantātitamatatilaka* he remarked that in spite of their foremost devotion to the Vedic *dharma* and Vedic studies some Veda practising persons themselves observe improper practices going against the precepts of Smṛtis which are but corroborations of the Vedic rites and customs. For example, in South India, Brahmin wives follow *anumaraṇa* and this is not proper. For, according to the precepts of brahmin, there is no following of her dead husband by brahmin wife, but in the case of wives of other castes this is declared by law as the duty of wives (*Tantātitamatatilaka*, p. 100). That is he acquiesced in the ghostly custom of immolation of wives after the death of the husband. Similar remark is repeated in the *Śavasūtakāśauca prakaraṇa* (p. 38) also. These show that Bhavadeva accepted *sahamaraṇa* only for brahmin wives and *anumaraṇa* for wives of other castes. In this respect he was hard hearted indeed. Following the practice of his time, he supported the Devadāsī custom also. Thus in the Bhuvaneshwar Praśasti, v. 30 we have that he dedicated one hundred damsels having eyes like those of young deer, who created the delusion that they were celestial nymphs taking rest on earth and whose beauty easily arrested the attention of people.[10] :

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9. "*bāla valabhī bhujaṅgāpara nāmā tvam asi Bhavadeva*" this utterance of goddess Śarasvatī to Bhavadeva in a dream in his student life—as recorded in his *Tantātita mata tilaka*, p. 1 shows that the expression means something really honourable.

10. To show that this practice of maintaining damsels called devadāsī in temples was common in this period we like to refer to verse 28 of the *Pavanadūta* of Dhoyī :
tasmin senānvavāya nṛpatinā devarājyābhiṣikto
devaḥ suhme vasati kamalā keli kāro murāriḥ/
pāṇau tilakamalamasakṛt yat samīpe vahantyo
lakṣmī-śaṅkāṇi prakṛtisubhagāḥ kurvate vārarāmāḥ// V. 28.
The *Śivadharmottara* is a work of the Purāṇa type and Prof. R.C. Hazra after a detailed study of it in the Journal of the

etasmai harimedhase vasumatī-viśvānta-vidyādharī-
vibhrāntiṃ dadhatīḥ śataṃ sa hi dadan sāraṅga śāvī-dṛśaḥ/
dagdhasyogradṛśā dṛśaiva diśatīḥ kāmasya sañjīvanaṃ
kārāḥ kāmijanasya saṅgamagṛhaṃ saṅgītakeliśriyām//
V.30.

Coming to the literary activity of Bhaṭṭa Bhavadeva, we find that many of his works, specially those on horoscopy, Veda and Āyurveda have become lost as no manuscripts of these have come to light as yet. The book on Mimāṃsā is the *Tantātitamatatilaka,*[11] an exposition of Kumārila Bhaṭṭa's interpretation of the Mīmāṃsāsūtras. Kumarila was also known as Tanātita Bhaṭṭa.

Ganganath Research Institute (Allahabad) Vol. XIII, pp. 19-50 concluded that the work was written in Northern India, probably at Benares before 800 AD. Here also we are told that Śaiva shrines were to be provided with *Śivāyatanayoṣit* (Śiva temple-girls) called Rudragaṇikā (harlot of Rudra) who might have willingly accepted that status or have been presented by somebody or purchased for that purpose or compelled to do so as a sort of punishment or reduced to that static per force (Journal, Ganganath Jha Res. Inst. XIII, pp. 30-31).

In Kalhana's *Rājataraṅgiṇī* also we have the episode of king Durlabhaka alias Pratāpāditya II and Narendraprabhā, originally the wife of a foreign merchant but reduced to the status of a temple damsel whence she was picked up by the king to become his wife. *(Rājataraṅgiṇī*, IV. 17-37).

In a Prākṛta language of the time of Emperor Aśoka one short inscription was inscribed in the Yogimara cave of the Ramgarh hill that one Rūpadakṣa Devadatta, a native of Varanasi gave vent to his longing for "Sutanukā" a Devadāsī.

So that was the actual position of the Devadāsī in the society and Bhavadeva in his peculiar psychological frame found it necessary to provide the shrine of Viṣṇu with hundred such creatures.

11. *Tantātitamatatilaka* of Bhaṭṭa Bhavadeva Ed. Mm. Chinnaswami Śāstrī and Pt. P.N. Pattabhirama Shastri. Princess of Wales Sarasvati Bhavadeva Series no. 79, Benares, Pt. I. (1939), Pt. II (1942) & Pt. III. (1944).

Among his Smṛti works (all of the Nibandha type) the following are available in print, viz :

(a) *Karmānuṣṭhāna paddhati* (also called *Daśakarma-paddhati, Daśakarmadīpikā, Chāndogyapaddhati* or *Saṃskāra-paddhati* or simply *Bhavadevapaddhati*). Manomohan Chakravarty informed that the work was published several times. It was also brought out by Pt. Shyamacharan Kaviratna where a few sections were omitted. The book is now a handy manual for rituals available with the priestly people.

(b) *Prāyaścitta-prakaraṇa.*[12] This book is sometimes called *Prāyaścitta nirūpaṇa,* cf.—the second introductory verse of the work—

manvādismṛtimālokya suvivicya punaḥ punaḥ/
kriyate bhavadevena prāyaścittanirūpaṇam//

and also the colophon at the end of the first section of the work :

"iti brāhmaṇasya brahmavadha prāyaścittanirūpaṇam"/

(c) *Sambandhaviveka*[13] on relationships, eligibility or ineligibility in marriage owing to sanguiniary relations etc.

(d) *Śavasūtakāśaucaprakaraṇa*[14] on impurity caused by birth or death in the family. Raghunandana in his *Vyavahāratattva*, Mitramiśra in his *Vīramitrodaya*, (*Vyavahāra prakāśa*, p. 85) named one more work of Bhaṭṭa Bhavadeva on Smṛti—ie. the *Vyavahāratilaka.* Mm. P.V. Kane

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12. *Prāyaścitta prakaraṇa*—Ed. Pt. Girish Chandra Vedantatirtha and published by the Varendra Research Society, Rajshahi, 1927.
13. *Sambandhaviveka*—Edited by Dr. Suresh Chandra Banerjee with an English translation and published in the New Indian Antiquary Vol. VI. 1943-44 pp. 252-60. After Bhavadeva, Śūlapāṇi Sāhudiyana also wrote one *Sambandhaviveka* and that has been edited by Dr. J.B. Chaudhury.
14. *Śavasūtakāśauca-prakaraṇa*—Edited with introduction, notes indices etc. by Prof. R.C. Hazra and published in Calcutta, Sanskrit College Research Series, No. 6, 1959.

in his *History of Dharmaśāstra*, (Vol. I) while dealing with Bhavadeva has given the names of works and authors of Smṛtinibandhas referring to or quoting extracts from the *Vyavahāratilaka*. But no manuscript of the *Vyavahāratilaka* has yet been formed excepting that of the *Dattakatilaka* which claims to be a part or continuation of the *Vyavahāratilaka*.[15] Beyond these (ie. four printed works and one in citations) we had no knowledge of the Smṛti works written by Bhaṭṭa Bhavadeva.

Fortunately two more manuscripts, both complete of the *Dattakatilaka* were found in the collection of mss. in the possession of the Sanskrit Sahitya Parishat, Calcutta, and they were given to me for preparation of a critical edition by my exteemed friend Shri Madhusudan Chakravarty, the veteran librarian of the Parishat. Had he not placed the manuscripts at my disposal it would be impossible to prepare the present text and even the name *Dattakatilaka* would remain unknown. Both these manuscripts are written in old Bengali characters of the seventeenth-eighteenth centuries and are complete. Of these one mss, (hereinafter called Ms. B) contains a date Ś.E. 1737=1815 A.D. and appears to be a summary, of the original, done by one Pandit Kevalarama Sharma at the behest of Pandit Chaturbhuj Sharma, was copied by Kaviraj Ramadulala Sen and came into circulation. The popularity of the work of Bhavadeva might have led the Sanskrit knowing scholars of the province to prepare one archetype of the work now lost and this Ms. B might be a copy of that. At the same time we may remember that the late eighteenth and early nineteenth centuries witnessed a society where the importance of an adopted son was seriously felt, probably on properly ground. In 1857 Mm. Bharata Chandra Shiromani brought out the *Dattaka- Mimāṃsā* and the *Dattakacandrikā* with his commentaries *Bāla-bodhinī* and *Bāla Sambodhinī*. In 1867 A.D. he brought out the *Dattaka-śiromaṇi* compiling in it the summaries of eight tracts on adoption, under the patronage of Prasanna Coomar Tagore in Calcutta. The text

15. cf. its colophon—"*iti śrī bhavadevabhaṭṭakṛto vyavahāra-tilakattaro dattakatilakaḥ sampūrṇaḥ.*"

in Ms. B represents that text and the results of such a *feeling* of concern for the problem of adoption. Although it contains the name of the author at the end and at the introductory verse no. 2, we do not take it to be the original work and have placed it at the appendix. The other copy (hereinafter called Ms. A) forming the basis of the present work, does not contain any date, nor is there any introductory verse. But at the end of it we have the name of *Bālavalabhī bhujaṅga* and the works on different subjects composed by him. Moreover, we have that the *Dattakatilaka* was the concluding part or continuation for appendix to the *Vyavahāratilaka.* We shall show later on that this was our text and the Ms. B represents and the work the summary of the original or at least that was the result of disturbed and conflated condition of manuscripts.

It is difficult to find mss of works written by Bhavadeva, other than these already mentioned. Raghunandana in his *Āhnikatattva* mentioned one "*Bhavadevīya Nirṇayāmṛta*" which appears to be different from "*Pāścāttya Nirṇayāmṛta*" and from "Bhojadeva's *Nirṇayāmṛta*" mentioned in the *Tithi* and *Śuddhitattvas.*

Maithila Vācaspatimiśra quoted twice from the *Prāyaścittaprakaraṇa* and two other quotations from Bhavadeva, however, are not traceable in the extant texts.[16]

In fol. 8a of Ms. A (of the *Dattakatilaka*), Bhavadeva has referred to one *Prāyaścittaviveka (prapañcaitārtham idam prāyaścittaviveka)*. Did he then compose another work named *Prāyaścittaviveka* besides the *Prāyaścittaprakaraṇa* and these quotations are from this work ? In the absence of mss. of the *Prāyaścittaviveka* we cannot say anything and therefore give up speculations.

Bhaṭṭa Bhavadeva's authorship of the *Dattakatilaka* (as found in Ms. A) seems to have the support from the following similarities in style noted in his other works. Thus : (i) The title of the work *Dattakatilaka* follows that of the

16. *Śavasūtakāśaucaprakaraṇa,* introduction, pp. V-VI, fn. 11.

Vyavahāratilaka and the former is called the later part of the latter *(iti bhaṭṭa śrī bhavadeva kṛto vyavahāratilakottaro dattakatilakaḥ sampūrṇaḥ)*.

(ii) In the *Prāyaścittaprakaraṇa* Bhavadeva quoted profusely from Dharmaśāstra and Dharmasūtras and sparingly from the Purāṇas (only *Matsya* and *Bhaviṣya*). Of these, the *Matsya* is quoted only once and *Bhaviṣya* nine times. In the *Sambandhaviveka* also only three lines have been quoted from the *Viṣṇupurāṇa* and one line from the *Mārkaṇḍeya-purāṇa*. Besides these, Manu, Viṣṇu, Nārada, Yājñavalkya, Śaṅkha likhita, Vyāsa and a few other ancient Smṛti-writers have been quoted. In the *Śavasūtakāśauca-prakaraṇa* also, forty-two Smṛti works including Sūtra works have been quoted but *Matsya* and *Viṣṇupurāṇas* appear only once each.

In the *Dattakatilaka*, Bhavadeva quoted from Śruti thrice, from the *Mahābhārata* twice, refers for the *Jaimini-sūtras* thrice (once wrongly for Gautama—in fol. 7.a), from the *Bhagavadgītā* twice and, quotes from or refers to Manu, Viṣṇu, Yājñavalkya, Atri, Śaṅkhalikhita, Hārīta, Jāvāla, Vṛddha Bṛhaspati, Vṛddha-Śātātapa, Nārada, Baudhāyana, Yama, Samvarta Devala, Kātyāyana, Vyāsa, Vaśiṣṭha, Suśruta-saṃhitā, Vāgbhaṭa etc. He has referred to the following digest type of works : *Vyavahāraprakaraṇa* (fol. 4a, 7a) and *Vyāvahāratilaka* (32a, 35a). His reference to these shows that particular topics were not digressed upon in the *Dattakatilaka* since they were discussed in the *Vyavahāratilaka*. The other works of this category are : *Prāyaścittaviveka* (perhaps his own work) and *Chāndogya-bhāṣya*. We are told that the Vedic mantras quoted by Bhavadeva in his *Paddhati* i.e. *Daśakarmapaddhati* have been commented upon by Guṇaviṣṇu in *Chāndogyamantra -bhāṣya* and this work was once famous in Bengal. Presumably Bhavadeva did not refer to that work.[17]

17. Guṇaviṣṇu's *Chāndogya mantra bhāṣya* has been edited with introduction, critical notes, indices and appendix by Prof. Durgamohan Bhattacharya and published by the Sanskrit Sahitya Parishat, Calcutta—1930. Perhaps this was the *Vedabhāṣya*—one of the lost works of Bhavadeva.

Of the Purāṇas, *Viṣṇupurāṇa, Ādityapurāṇa, Skanda-purāṇa* and *Brahmapurāṇa* have been quoted sparingly. The *Matsya* and the *Mārkaṇḍeyapurāṇas* have been named once (in fol. 21a). Only the *Kālikāpurāṇa* has been quoted several times (9 times) and once a *Kālikāpurāṇīyamāhātmya* has also been noted (in fol. 12b). But the printed texts of that Purāṇa available to us in Vaṅgavāsī edition and the Chowkhamba edition of 1972 that closely follows it, we do not have any *Kālikāpurāṇa māhātmya.*

In the *Prāyaścitta*—and *Śavasūtakāśauca prakaraṇas Viṣṇudharmasūtra* (or *Viṣṇusmṛti*) is often mentioned as Bṛhadviṣṇu (Smṛti), here, however, simply Viṣṇu is named (fol. 13a) and it is repeated in (fol. 33a) without name. In both the passages the name of one Rudradhara[18] and once in fol. 25a of his *Śuddhiviveka* have been given as if the author (rather the scribe) was obsessed with the name.

Rudradhara's date has been assigned to the 15th cent A.D. and that of Bhavadeva to the 11th-12th cent A.D. So, Rudradhara Maithila, the writer of the *Śuddhiviveka, Śrāddhaviveka* etc. could not be thought of by Bhavadeva. There was an earlier Rudradhara, in Mithila, the author of *Śrāddhacandrikā* etc. but his works are now lost to us. The former's *Śuddhiviveka* contains the remarks of *Viṣṇu dharmasūtra* (alias Smṛti), hence the borrowing should be in the reverse way. So we find no other way but to reject this portion of Ms. A as interpolation.

In the *Śavasūtakāśaucaprakaraṇa* (printed text, p. 36) there is a passage : "*na grāmābhimukhaṃ pretaṃ nirharevyuḥ iti hāralatā smṛteḥ*". Now, Aniruddha Bhaṭṭa the author of the *Hāralatā* and the *Pitṛdayitā* was a post Bhavadeva Nibandha writer of Bengal and would not be the source of Bhavadeva. Hence the editor of the work emended the reading to "*iti hāritasmṛteḥ*" and thereby avoided the fallacy of anachronism. In the final verse of the *Śavasūtakā Śaucaprakaraṇa,* Bhaṭṭa Bhavadeva pointed out that his work was based on (Smṛti) Saṃhitās (and not on digest).

18. For Rudradhara and his works, See Dharmashastra in Mithilā.

Similar remark applies to the present work also. A glance at the list of writers quoted or named simply in the *Dattakatilaka* shows that here also Bhavadeva avoided quoting from digests and he mainly has drawn upon Manu and Yājñavalkya and others (smṛti) Saṃhitā texts—as has been done in his *Prāyaścitta-prakaraṇa*, *Śavasūtakāśauca-prakaraṇa* and *Sambandhaviveka*.

Let us now see the passages where Rudradhara and the *Suddhiviveka* have been found.

(i) "*trirātrānuvṛttau viṣṇuḥ—anauraseṣu putreṣu svabhāryāsvanygāsuceti/ tathā parapūrvāsu bhāryāsu putreṣu kṛtakeṣu/ trirātraṃ syāt tathācāryasva bhāryā svanyagāsu cetyadi vacanāt/ atra parapūrvāsu bhāryāsu anauraseṣu putreṣu ca yat pratiyogikaṃ bhāryātvaṃ putratvaṃ ca tasyaiva tryahāśaucaṃ nanyeṣām iti Rudradharaḥ*" (fol. 13a +b)

In *Viṣṇudharmasūtra*, XXII, 42-43, we have the same excepting the comments.

In Rudradhara's *Śuddhiviveka* (printed text, fol. 13b) we have : *parapūrvāsu anyagatāsu ca bhāryāsu anauraseṣu putreṣu ca yat pratiyogikaṃ bhāryātvaṃ yat pratiyogikaṃ putratvaṃ tasyaiva tryahāśaucam/ bhāryā putra sabdayoḥ sambandhisabdatrāt/*.......

In spite of this similarity we are of the opinion that the inclusion of Rudradhara's name is an interpolation. The same quotation from Viṣṇu is repeated in fol. 32b and also in fol. 33a. In fact the scribe (and not the author) seems to have been influenced greatly by Rudradhara and his work. If one says that it was earlier Rudradhara, which will be incorrect in the present case, there will be no polemics. If however the second Rudradhara is considered here—there is objection on grounds of *histeron proteron* anachronism. The whole comment is to be expanged. Incidentally in the *Śavasūtakāśaucaprakaraṇa* (p. 19) while discussing the same topic *(anaurasaputrāṇāṃ pariṇītabhāryāṇāṃ ca anyagāminīnāṃ parapūrvasaṃśrayastrīṇāṃ ca maraṇā*

śaucam) Bhavadeva quoted from the *Śaṅkhasmṛti* thus : *anauraseṣu putreṣu bhāryāsvanyagatāsu ca/ parapūrvāsu ca strīṣu trirātrācchuddhiriṣyate//* Bhavadeva did not quote from *Viṣṇu* and the comment found in the *Dattaka*—is also absent.

This shows that the scribe of the work, in order to refurnish this *tryahāśauca* and to express his acquaintance with the work of Rudradhara quoted a line from his work without having any knowledge of Bhavadeva's anteriority to Rudradhara by threc centuries, at least. And the quotation from Śaṅkha in the *Śavasūtakāśaucaprakaraṇa* shows that the prescription was well in currency and not a novel one.

The scribe made another mistake in fol. 25a in the section on women's right to make gift of son in adoption. We have (in fol. 25a) *tadevaṃ patyau jīvati patnyāt na pṛthag dānādhikāraḥ/ asati tasmin svātaṇtryeṇa dānādhikāra iti viṣaya vibhāgādubhayoḥ saṅkalanam, evamuktaṃ rudradhareṇa śuddhivivekepi.* This also is a wrongly made interpolation. For in the *Śuddhiviveka* (printed text fol. 22b) we have—*patyau sati striyāḥ patyananumatyā putradāne 'nadhikāraḥ/patyanumatyā tu putradāne'dhikāraḥ/ patyabhāve'nadhikāra eva//* So we have just the opposite of what is claimed and this also, therefore, is rejected as interpolation.

In fact, Bhavadeva quoted only from original works like Smṛti and Purāṇa and not from any Nibandha work (excepting his son). In the present work he quoted/named one *Chāndogyabhāṣya* which we could not locate, but which we presume, may be identical with the work on *Vedabhāṣya* as alluded to in the colophon of the *Dattakatilaka.*

Now, let us examine how far the text, of the work as found in Ms. B, can be of Bhavadeva's writing : (i) The authorities quoted here include among others Manu, Yājñavalkya, Nārada, Kātyāyana, Baudhāyana, Parāśara, Devala Bṛhaspati, Vṛddha Bṛhaspati, Vṛddhaśātātapa, Vṛddha Manu & Vaśiṣṭha. Here the discussion from the *Vaidyaśāstra* texts like those of Suśruta, Vāgbhaṭa (as found

in Ms. A) is dispensed with. (ii) Among the Purāṇas, the *Ādityapurāṇa*, *Viṣṇupurāṇa* and the *Kālikāpurāṇa*, besides the *Bhagavadgītā* (fol. 6a *yad yad ācarati* etc.) are quoted and so also the Śruti.

One Upa-parameṣṭhī is named thus : *codanā lakṣaṇortho vedaḥ, sa ca ṛg-yajuḥsāmātharvabhedena caturdhā vibhaktaḥ/ teṣāṃ trayī tu bahuśākhikā iti tadarthasya upaparameṣṭhi mukhāt sākṣādavadhāraṇena niścayena nibaddhatvāt grāhyatvāt* .....(fol. 3b). To note here that the second sūtra of the *Mīmāṃsādarśana* is *codanālakṣaṇo'rtho dharmaḥ* (and not *vedaḥ* as read here). (iii) Later works on Smṛti quoted or named here are : Medhātithi, Govindarāja, Ratnākara, Kalpataru and one *Dākṣiṇātya saṃgraha (ata eva dākṣiṇātyasaṃgrahe atri vacana-vyākhyānaṃ yuktam eva*—fol. 7a). The reference to this *Dākṣiṇātyasaṃgraha* is against the mode of selection of authorities on Dharmaśāstra by Bhavadeva as evinced in his other printed texts on smṛti. Moreover, the writer of the Ratnākara series i.e. Caṇḍeśvara Ṭhakkura Maithila wrote the works in śaka era *rasaguṇa bhujacandra* i.e. 1236 Ś.E. = 1314 A.D. This is evident from the chronogram[19] added to his works *Kṛtyaratnakoṣa*. *Kṛtyakalpataru*, in several parts, of Lakṣmīdhara, though profusely drawn upon by Caṇḍeśvara was written later than the works of Bhaṭṭa Bhavadeva. Hence dependence on later works proves that the work in Ms. B was prepared not by Bhaṭṭa Bhavadeva but by a later redactor : (iv) In fol. 6b of the Ms. B these redactors have given a view which subsequently came to be accepted in the society and that is on the right of the mother to give (or receive) in adoption a child when her husband is dead : *"janakābhāve jananyā api dānagrahaṇayoḥ svātantryam"*. This is what is given in fol. 25a of the Ms. A—*"asati tasmin svātantryeṇa dānādhikāraḥ ..... evamuktam rudradharena śuddhiviveke pi"*. We have already seen that the printed text of Rudradhara gives the opposite view. Hence the interpolation in Ms. A came to be copied by the redactor. In fol. 3b we have another queer remark—*"ataeva śaṅkara bhāṣye yatkincinmanurāha tadbheṣajam ityuktam"*. The line is to be seen in the

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19. Sri Dharmashastra in Mithila.

Taittirīya Saṃhitā (II. 2.10.2) and also in the *Tāṇḍya-brāhmaṇa* (23.16.7) with slight change.

Treatment of different topics in the *Dattakatilaka* as found in the Ms. A shows the normal feature of a digest text. Thus we have : *ādau putraśabdārthaṃ āha manuḥ (1b), idānīṃ putrotpādanaprayojanam abhidhīyate (4a), putrānutpaṭṭane tatpratinidhitvena kṣetrajādikam (6b), Kalivarjyāni (7a) dattaka karaṇādi pāripāṭyam (9a), athedānīṃ dattaka prasangād dvādaśavidhāḥ putrā neyante (15a), dattakasya dhanādhikāraḥ (18a), atha grahaṇa paripāṭī (21a), sāgni-kartṛkagrahaṇam (22.a), niragnikar-tṛkaprahaṇam (23.a), putrasya śukraśonitasambhavatvāt tat prasaṅgeṇa śukra śoṇitādidehadhātuvimarśaḥ (26.a), prakṛtamanusṛtya grahanādikamcūḍāyāśca vimarśaḥ (28.a), dattakasya pratiyogyanuyogitayā-śauca nirūpaṇam (32b).*

In Ms. B we do not have any such clear-cut demarcation of topics. There the discussion appears to be a summary of what is found in the original. However, there in fol. 8b we have "*atha grahaṇam*" and after a few lines "*atha saṃskārāḥ*". In fact a comparison of the two mss will clearly show that Ms. B represents a later collection, redaction and summary of the original. This may be ascertained by a comparison of the work with the summarised text as found in Ms. B given in the appendix.

We have come to know of a large number of texts on *Dattaka* but it appears that the *Dattakamimāṃsā* of Nandapaṇḍita became the most widely read text on the subject. Kubera's *Dattakacandrikā* also acquired a repute of some kind. Bhavadeva's work was far more earlier. A simple perusal of these works will bring out the difference of Bhavadeva from these later writers.

Such works begin with the necessity of having a son and different kinds of sons. Of these, only the natural *(aurasa)* and adopted son *(dattaka)* are said to be in currency in the Kaliyuga, other types of sons are prohibited. According to some (i.e. the *Dattakamīmāṃsā*), in western India, *aurasa*,

kṣetraja and *dattaka/kṛtrima* sons—are allowed. Bhavadeva, however, following the Kalivarjyas accepted only the *aurasa* and *dattaka* types, *Dattaka-candrikā* also says that.

The concept of '*dvyāmuṣyāyaṇa*' (one accepted as son of both the natural father and the adoptive father) seems to have been accepted later as Bhavadeva is silent on it. According to the *Dattakamīmāṃsā* it is not prohibited in the Kaliyuga but it is included in the twelve kinds of sons. If a sonless *sapiṇḍa* (like husband's brother) raises a male child in the wife of another son-less *sapiṇḍa* with the desire of having the child doing filial duty both to his natural father and husband of his mother, the child thus born is called *dvyāmuṣyāyaṇa*—son of two persons an adopted son who remains heir to his natural father though adopted by another. We refer here to Yājñavalkya II. 130.

aputreṇa parakṣetre niyogotpāditaḥ sutaḥ/
ubhayorapyasau rikthī piṇḍadātā ca dharmataḥ//

Both the *Dattakamīmāṃā* and the *Dattakacandrikā* have discussions on it. This status is conferred when stipulation is made before hand by the natural and adoptive fathers. But if a child is adopted after completion of his *Cūḍākaraṇa* sacrament then also he becomes a *dvyāmuṣyāyana*. Such a boy cannot/should not marry a girl of the same gotra as of his natural father and adoptive father. Bhavadeva, however, is silent on this. So also were the writers of the *Dattakanirṇaya* and the *Dattakadarpaṇa*, we are told.

According to Bhavadeva one could take more than one adopted sons and the number is limited to three following the decision of the *Kapiñjalādhikaraṇa* of the *Mīmāṃsā sūtras* (XI. 1.38-46)—[see fol. 9b of the *Dattakatilaka*]. Wife also can adopt three sons on the consent of her husband. If the husband expires after giving consent to his wife for adoption, he cannot be called son-less, because subsequent to adoption, even after his death, he would have his son. *Dattakamīmāṃsā*, however, says that a widow cannot adopt a son.

Normally, a sonless man can adopt a son. But it has

been enjoined that one having a male issue upto the level of great grandson can have an adopted son : *prapautra paryantarahitenaiva puṃsā dattakaḥ karaṇīyeti* (i.e. *karaṇīyaḥ iti) sādhīyaḥ* (fol. 10.b). *Dattakamīmāṃsā*, in this context says—when one has a son but no daughter and he wants to achieve heavenly abode by daughter's son, one can adopt even a daughter.

On the eligibility of a child for adoption the generally accepted norm is he, whose mother could be appointed in levirate, may be taken in adoption. Since a brother and sister cannot be partners in levirate their sons cannot be adopted as such. In other words one cannot adopt his sister's son, nor can a sister adopt her brother's son. If taken, it will be illegal. Bhavadeva, however, had a different view. He says: "*dattakasya sapiṇḍa-sakulya-samānodaka-sagotrasya śreyastve tatrāpi bhrātṛputrasattve sa eva/ bhinnagotreṣu ca dauhitra-bhāgineya-pitṛbandhu-mātṛbandhu-svātmabandhu-santānāḥ śreyāṃsaḥ/ tadaprāptau sarvatrāpi pātityādoṣahīno grāhya iti*" (fol. 11.b). This marks a difference from the views of the *Dattakamīmāṃsā* and the *Dattakacandrikā*. Thus we have in the former text : *aṅgādaṅge tyṛeaṃ japtvā āghrāya śiśumūrdhani/ vastrādibhiralaṅkṛtya putracchāyāvahaṃ sutam// putracchāyā putrasādṛśyaṃ tacca niyogādinā svayam utpādanoyogyatvam...../ tataśca bhrātṛ pitṛvya-mātula-dauhitra-bhāgineyādīnāṃ nirāsaḥ putrasādṛśyābhāvāt/ etadevabhipretyoktam agre tenaiva dauhitro bhāgineyaśca śūdrāṇāṃ vihitaḥ sutaḥ/ brāhmaṇāditraye nāsti bhāgineyaḥ sutaḥ kvacit.*[20]// The *Dattakacandrikā* also says : "*dauhitraṃ bhāgineyañca mātṛsvasṛsutaṃ vinā*" and quotes from Śaunaka thus :

> *dauhitro bhāgineyaśca śūdraistu kriyate sutaḥ/*
> *brāhmaṇāditraye nāsti bhāgineyaḥ sutaḥ kvacit//*[21]

We can only hold that Bhavadeva held a different and

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20. *Dattakamīmāṃsā* and *Dattakacandrikā*—edited with Sanskrit commentaries by Mm. Bharatchandra Shiromani, Calcutta 1857, p. 68.
21. *Dattakacandrikā*—pp. 4,5 of the above edition.

perhaps older view. But he agreed with common view when he said : "*evañca sagotrāvivāho'pi śūdrasya sambhavatiti* (fol. 14b).

In fol. 7a however, he strangely referred to the *Jaiminisūtras* instead of mentioning the *Gautama Dharmasūtra* for he quoted almost verbatim a sūtra of Gautama (I.5) — '*tulyabalavirodhe vikalpaḥ*'. His words are : *tulyatve sati vikalpāvasaraḥ, tulyabalavirodhe hi vikalpaḥ iti jaiminisūtrāt*" (fol. 7.a). We are however told[22] that although there is no such *Mīmāṃsāsūtra* as held by Bhavadeva — there is comparable topic in Mīmāṃsā.

In the *Bādhādhyāya* of the *Mīmāṃsāsūtras* (X. 8.6ff) there is a discussion on the tenability of *paryudāsa* or *prasahyapratiṣedha* of a negative implication *(nañartha)*. It has been concluded there that when a direct Vedic injunction militates against another direct Vedic injunction, that is when they are of equal validity *(tulyabala)* option *(vikalpa)* can be exercised. The stock in trade examples are (a) *atirātre ṣoḍaśinaṃ gṛhṇāti* and (b) *nātirātre ṣoḍaśinaṃ gṛhṇāti*—either of which may be applied (by option) both of them being equally forceful Vedic statements. Some later Nibandha writers explained *ṣoḍaśī-grahaṇāgrahaṇavat phale bhūmā*— ie. when *ṣoḍaśī* is included it results in better or greater results.

In the *Dattakatilaka*—we have the following conclusions on *aśauca* (impurity) : when an adopted son dies no impurity can cause to the family of his natural father. When the son/ grandson is born to that adopted son, his adoptive father, ad-o grand father and ad—o great grand father will observe impurity for three days (fol. 32b + 33a). In this matter, Bhavadeva, Nandapaṇḍita and Kubera are unanimous. In the event of death of the adoptive father, grandfather and great grandfather—the adopted son (and the lower generation upto the great grandson—as the case may be) will observe impurity for three days. The *Dattakamīmāṃsā*

22. I am indebted to Shriman Dr. Gopalnath Bhattacharya, Professor of Sanskrit, Burdwan University, for this information.

says that in the case of death (or birth) of an adopted son, having the same *gotra* as the adoptive father and his cognates *(sapiṇḍa)* both the parties will observe full impurity as is generally prescribed. Regarding others a principle— "*yanmaraṇe yad aśaucaṃ tanmaraṇe tadaśaucam asati bādhake*" is applied.

Bhavadeva gives here a different view : *kecit tu sagotradattake aśaucaṃ pūrṇamāhus tadatīva mandam, vācanike'rthe nyāyānavatārāt* (fol. 33b). He also says that in the demise of the adoptive father the adopted son will not observe impurity of the body *(dehāśuddhi)* as is done by a natural son because of the absence of the bodily relation between the two *(atha pitṛmaraṇe dattakasya saṃvatsaram aurasvat na dehāśuddhiḥ/dehāśuddhi—prayojaka tādṛśa sambandhābhāvāt*—fol. 33b).

On the Dattaka's right to property Bhavadeva did not say much. The adopted son loses all right to his natural father's property. The natural and eleven other secondary sons have been divided into two groups by lawgivers like Manu, Baudhāyana Devala, Nārada, the writer of the *Kālikāpurāṇa* etc. One group consisting of six i.e. *aurasa, kṣetraja, dattaka, kṛtrima, gūḍhotpanna* and *apaviddha*—all *bandhus* (ie. relative coming under the *sapiṇḍa* relationship) and *dāyādas* (inheritors)— (Manu, 9.159). The other group comprises *kānīna, sahoḍha, krīta, paunarbhava, svayaṃdatto* and *śaudra*—these are all *bandhus* but not inheritors *(adāyāda)* (Manu, 9. 160). Needless to say that when the *aurasa* son is living the right to property of the secondary sons is nutralised, they get only maintenance, but in his absence they become the heir in due order. That is the first preference goes to the *kṣetraja*, in his absence to the *dattaka* and so on.

Quoting from the *Kālikāpurāṇa* the passage (given as an advice to one monarch named Candraśekhara) Bhavadeva remarked that the *dāsa, paunarbhava* and *svayaṃdatta* sons are never to be allowed to succeed to the throne and the *kṣetraja* is debarred when one *aurasa* son exists. Different writers although followed the course of Manu,

minor changes appeared with the passage of time. Thus, Bhavadeva said : "*devalastu uttara-ṣaṭkamadhye dattakam abhidhāya teṣāṃ pitṛdhane evādhikāram āha na tu bandhudhane/yathā devalaḥ—aurasaḥ putrikāputraḥ kṣetrajaḥ kanyakodbhavaḥ/gūḍhotpannopaviddhaśca sutaḥ paunarbhavastathā// dattaḥ svayamupetaśca labdhaḥ krītaḥ kṛtastathā/ ete. dvādaśa putrāstu sanyatyartham udāhṛtāḥ// .... teṣāṃ ṣaḍbandhudāyādāḥ pūrve'nye pitureva ṣaṭ//* (fol. 18a). Bhavadeva found out this difference of opinion and he tried to reconcile it thus : "*manu-baudhāyana-kālikāpurāṇa-yājñavalkyātri-vyāsādibhir yad dattakasya pūrva ṣaṭkamadhye pāṭhastat sarvakāla-sādhāraṇah/ nāradadevalādi-vacanantu kalītaraparam* (fol. 19.a)—i.e. Manu, Baudhāyana, *Kālikāpurāṇa*, Yājñavalkya, Atri, Vyāsa and others included *dattaka* in the first group of six types of sons (who are both *bandhu* and *dāyāda*) and such inclusion is applicable in all the ages, whereas the divergent view of Nārada, Devala and a few others hold good only in the ages other than the *kaliyuga*. So Bhavadeva concluded that the sons of the first group belonging to the same caste as that of the adoptive father get one third of such father's property and also that of the *bandhus* when there is a natural son. In the absence of the latter they get all. The others belonging to the second group get only one third of their father's property when there is an *aurasa* son, but nothing from the property of the *sapiṇḍas*, because Kātyāyana also had said the same. In the absence of the *aurasa* son they also get everything of their father's wealth (in due order) (fol. 19a).

From the above it is clear that the principle of adoption acquired a place of importance in smṛti digests. This came as a corollary to an important item of dispute viz. *dāyabhāga* or inheritance—or partition of ancestral wealth among the survivors specially son, daughter, wife, brother etc. The sons were either natural or naturalised ones, in the absence of the former the need for the latter was felt. In fact, the presence of a son was felt as *sine qua non* in the life of a householder. So such discussions gradually cropped up and found a place for them in the Veda and Smṛti literature and that was a different world.

Presentday world is groaning under demographic weight and various measures are now being prescribed for at least partial removal of this weight. Let not mother earth continue to be trampled under the feet of her own children. But the situation was different in ancient times. No Malthus was there preaching the effectiveness of positive checks and preventive checks on human population. Right from the days of the Vedas Indians always craved for a large number of male children (*suvīrāso vidatham āvadema*—Ṛgveda II. 12.16d). This hankering went on unabated and left so indelible an impression on Indian psyche that even now in the last decade of the twentieth century A.D. Indians go abagging for a male child. Even now there is reverberation of the feeling expressed in the hoary antique days of the Aitareya Brāhmaṇa—*annaṃ ha prāṇāḥ śaraṇaṃ ha vāso rūpaṃ hiraṇyaṃ paśavo vivāhāḥ/ sakhī ha jāyā kṛpaṇaṃ ha duhitā : jyotir ha putraḥ parame vyoman//* (*Aitareya Brāhmaṇa* I.5). In the *Ṛgveda* V.4.10.—

yastvā hṛdākīrṇā manyamānomartyaṃ marto johavīmi/
jātavedo yaśosmāsu dhehi, prajābhir agne ! amṛtatvam aśyām//

The sages pray for achieving immortality by sons. Sāyaṇa while explaining the above passage quotes something which is unison with Manu (9.8) and says a man himself is born as son and that son is the cause of gaining immortality (*prajām anu prajāyate tadu te martyāmṛtam*). Manu's words are :

patir bhāryāṃ sampraviśya garbho bhūtveha jāyate/
jāyāyās taddhi jāyātvaṃ yad asyāṃ jāyate punaḥ// (9.8)

Similar expressions can be seen in Ṛv. V. 25.5—*putraṃ dadāti dāśuṣe*; X. 85.45 (*daśa asyām putrān ādhehi*); X. 183.1 (*iha prajān iha rayiṃ rarāṇaḥ prajāyasva prajayā putrakāmaḥ*) and so on.

In *Ṛgveda* I. 90.9. (*putrāso yatra pitara bhavanti*) it is expressed that the sons become the fathers ie. they protect and maintain their fathers in old age. The story of Hariścandra's reply in ten *gāthās* on the above (from which

the fifth one is already quoted before) are all well-known from the *Aitareya-brāhmaṇa*.

If we accept that the Vedic Aryans were neo-settlers in an alien land, their hankering for a numerically superior power over the enemies, thus expressed, appears just and the Vedic and later Vedic Indian literature is replete with such feelings.

In the *Rāmāyaṇa* the story of Daśaratha's having no son and the means he adopted for procuring one such are all well-known.[23]

In the *Mahābhārata* (I. 13. 20-21) we have the sage Āstika, bent on maintaining his celibacy abstained from marriage and raising progeny, was advised by his ancestors to desist from the same.[24] The sage Mandapāla, foremost among the pious, found the *pitṛloka* even, where he went after death passing a strictly religious life, fruitless; because he did not repay in his life time the indebtedness to his ancestors by raising children. He was advised to rectify this deficiency for even the Veda declared that the son delivers the father from a hell named to.[25]

If a patient enquiry is made, many such passages can be found in our ancient literature and the feeling of craving for a son permeated not only the later literature but the

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23. *mama tātapyamānasya putrārthaṃ nāsti vai sukham/*
tadarthaṃ hayamedhena yakṣyāmiti matir mama//
Rāmāyaṇa (Baroda Edn.) I. 11.8
24. *Yatasva yatnavāṃstata santānāya kulasya naḥ/*
ātmano 'rthe' smadarthe ca dharma ityera vā vibho//
na hi dharma phalaistāta na tapobhiḥ susañcitaiḥ/
tāṃ gatiṃ prāpunvantiha putrins yāṃ vrajantiha // etc.
Mahābhārata (critical son) I. 13. 20-2).
25. *rhino mānavā brahman jāyante yena tacchṛṇu//*
kriyābhir brahma caryaṇa prajayā ca na saṃśayaḥ//
tadapā kriyate sarvaṃ yajñena tapasā śrufaiḥ/
tapasvī yajñakṛecāsi na ca te vidyate prajā//
tasmādapasyasantāne yatasva drija sattama//
Ibid., I. 220. 11-12, 14.

Indian mind also throughout the subsequent ages. Needless to say that the works on the subject, of the later period have profusely drawn upon such passages from the Vedic, Epic, Puranic and Smṛtic literature—specially of Manu, Yājñavalkya, Gautama etc. and an idea about the subject may be had from "*Dattaka-vidhi-vicāra*' (in Bengali) by Pandit Rajendranath Vidyabhushan (Calcutta, 1314 B.S.—1908-09 A.D.), Professor Kane's *magnum opus*, VS. II etc.

A perusal of such passages leads one to think that right from the days of the Vedas—the Indians paid special emphasis on the usefulness of having a son not only in this life but also in life beyond. In fact they married only for the sake of having a male child. So we are told "*putrārthe kriyate bhāryā putraḥ piṇḍa prayojanāt*". Those who could not have that (i.e. a son) considered themselves inferior to others, their life futile, their abodes desolate and their ancestors—poor souls bewailing for less of libations of water in the absence of a male progeny. One is reminded of the lamentations of the royal personages like Dilipa and Duṣyanta in Kālidāsa's immortal works—the *Raghuvaṃśam* and the *Abhijñāna-śakuntalam*.

The usefulness of the adult son to his old parents can be understood. He acts as a trusted lieutenant to them in the discharge of domestic duties. But this is on the mundane matters. On matters relating to the life beyond death also his utility is recognised by the Hindus. On *parva*-days like the *amāvasyā* etc., on the *pitṛpakṣa* days the son, as per scriptures, respectfully offers rice-balls, libations of water to the manes, the departed father, grand-father and great grand-father etc. and as a result the latter gets immense spiritual satisfaction. This is the spiritual benefit of having a son. To ensure that worldly and spiritual benefits, the Indians right from the Vedic age offered prayers and solicitations to the divinities so that he could be endowed with a son.

In this context the words of Yāska while explaining the etymology of the word *putra* are worth considering : "*putraḥ puru trāyate, niparaṇād vā, put narakaṃ tatas trāyate iti*

vā". Devarāja Yajvan in his comments on this has the following : *putraḥ puru trāyate, bahu api yat pitrā pāpaṃ kṛtaṃ bhavati, tato'yaṃ trāyate putraḥ/niparaṇād vā, nipṛṇāti nidadāti hyasau piṇḍān pitṛbhyaḥ iti putraḥ/athavā puṃ iti narakasthānam nīyate, tatastrāyate iti vā putraḥ//*

That is—it is the son that saves the father from various sins committed by him or that he gives/offers rice-balls to the father—hence he is called *putra, puru+√trai, ni+√tor*—gives the form. (*Nirukta* 2.1.11.5)

This also shows that not only worldly benefit but spiritual benefit was also considered as the motive behind the desire for a son. But things do not occur according to our wishful thinking, all persons cannot procreate male child. So alternative had to be thought of. When the absence of a son was felt people began to think of some alternative which could be taken as a substitute for the natural son. In this way evolved out the idea of secondary sons the number of which gradually increased to eleven. Peculiar social conditions coupled with the above noted feeling contributed towards formulations of rules for social recognition of the secondary sons, and this was done long before the days of Manu.[26] These secondary sons as we have seen are : *kṣetraja, dattaka, kṛtrima, gūḍhotpanna, apaviddha—kānīna, sahoḍha, krīta, paunarbhava, svayaṃdatta* and *śaudra* (Manu. 9.159-160) and of these the *dattaka* is the most important. For we have seen that it has come down to the present age in an almost unbroken chain from the Vedic days.

In the *Aitareya-brāhmaṇa* we have the story of King Hariścandra and Nārada etc. which may be briefly discussed here. Hariścandra had no sons, he prayed to Varuṇa with the stipulation that the son born by the gift of Varuṇa would

26. Pandit Rajendranath Vidyabhushan in his work cited from the ṚV. I. 116.13 and ṚV. X. 65.12 to show that the Vedic gods Aśvins gave a son Hiranyahasta to Queen Vadhrimato whose husband was incapable of producing a son. This perhaps refers to something like a son by levirate although the word *niyoga* is not used those.
See R.N. Vidyabhushan, op.cit., p. 21.

be sacrificed to the latter. He then got a son named Rohita and the divinity wanted the fulfilment of the promise mala by the king. After dillydallying for a long time Hariścandra divulged to Rohita the stipulation made by him and Rohita for fear of life left his father's place and went to the forests. There he met the sage Ajīgarta, his wife and three sons—*śunaḥ puccha, śunah śepha* and *śuno lāṅgula* and procuring by payment the second son (ie. *śunaḥ śepha*) from his parents he went back to his father. There he placed the boy before his father for immolation in sacrifice and thereby procure his release from the stipulation. *Śunaḥsepha* found himself in peril and on his implorings the divinities spared his life and found for him a safe seat in the lap of Viśvāmitra—the *hotṛ*-priest of the sacrifice. He got the name of—Vaiśvāmitra Devarāta (ie. God given one—belonging to Viśvāmitra) whom Viśvāmitra refused to put back to Ajīgarta—his father.

Upto this, the story proves two customs : Hariścandra in order to fulfil his undertaking procured one who acted as the deputy/substitute of his natural son. Viśvāmitra in spite of having 100 (or 101 ?) sons took in adoption one more son when the latter was in danger. After such acceptance he got the gotra appellation of Viśvāmitra by changing that of his father Ajīgarta which was Āṅgirasa. He also got the right to inherit to Viśvāmitra's property. This may be taken as the seed of the idea that in course of time made the adopted son occupy the place of the Aurasa son when there is none.

Śunaḥśepha was Ajīgarta's natural son but he became what in parlance of Smṛti literature is *Krītaputra* (son by purchase) of Hariścandra and subsequently the adopted son of Viśvāmitra. Viśvāmitra placed his adopted son before his natural sons and asked them to accept the former as their elder and a coparcener too.

The first fifty of his natural sons revolted against the order but the younger fifty accepted it. So Viśvāmitra cursed his rebellious sons to live the life of pillagers and maranders in the land of lonely peoples like the Andhras, Puṇḍas, Śabaras, Pulindas etc. which they became.

It was natural that the rebellious sons of Viśvāmitra carried with them their religion, rites and customs—one of which, it appears from the above story, was that sons could be only natural sons or primarily sons of the body and that secondary sons had no place in the social fabric as sons. It has been categorically stated in the *Āpastamba Dharmasūtra* [and *Praśna*, 6th Paṭala, 13th khaṇḍa, 10th sutra = II. 6.13.10—Mysore Edition] that there cannot be any gift and sale and consequent adoption and purchase of children (*apatya*)—"*dānaṃ krayadharmaśca apatyasya na vidyate*". On this sūtra the *ujjvalā* commentary of Haradatta says : "*dānagrahanena vikrayo gṛhyate tyāga-sāmyāt/ krayadharma iti ca pratigrahasyāpi grahaṇam, dharmagrahaṇāt svīkāra sāmyācca/ apatyasya dāna pratigraha-kraya-vikrayā no kāryāḥ//*"

In the same context Āpastamba (II. 6.13.5) has *utpādayituḥ putra iti hi brāhmaṇam* and he refers to a Vaidikī gāthā in support. He thereby establishes the uselessness of secondary sons in the matter of spiritual benefit. In other words Āpastamba dismissed categorically the case of all secondary sons.

Baudhāyana also quoted the *gāthā*, but he was not so categorical about the uselessness of secondary sons. On the contrary he named and accepted the different types of secondary sons and fixed principles of inheritance of such sons. Baudhāyana Dharmasūtra (II. 2.3. 31-32) mentions the following type of sons—*aurasa, putrikāputra, kṣetraja, datta, kṛtrima, gūḍhaja, apaviddha, kānīna, sahoḍha, krīta, paunarbhava, svayaṃdatta, niṣāda* and *pāraśava*. He also has quoted from a previous teacher named *Aupajanghani* according to whom only the natural son was worth the name of a son : *teṣāṃ prathama evetyāhāupajanghaviḥ (Baudha.* II. 2.3.33) and then in support quotes the *gāthā* quoted by Āpastamba also in this context.

G. Bühler, while translating into English the *Dharmasūtras* of Āpastamba and Baudhāyana in the *Sacred Books of the East* (vols. II & XIV), made interesting discussion on the provenance of these two works and

quoting from one *Caraṇavyūha-bhāṣya* tried to establish that the works belonged to the Deccan.[27]

One may now conclude, as A. Rajendranath Vidyabhushan held, that the rebellious sons of Viśvāmitra who refused to accept Devarāta Viśvāmitra (ie. Śunaḥ śepha) as the adopted son of Viśvāmitra and were therefore cursed by him to live in the non-Aryan Āndhra and other territories had something to do with the evolution of the dispute of the subject mentioned in these two Sūtra works. For, here also we find a distant echo of the purport of their views discussed above. In this way a sizeable volume of literature has developed in Sanskrit on the subject of different types of son and their rights and duties. Not only the original works like those of Manu, Yājñavalkya, Viṣṇu etc. ie. the Dharmaśāstras written in verse and prose, but the Dharmaśāstra works like those of Gautama, Baudhāyana etc. have interesting discussions on it, the commentaries to such works also discuss, *inter alia*, the theory of adoption. The exception to this, however, is the work of Āpastamba, who had a totally different view mentioned above.

While going through the history of Dharmaśāstra we have noted that Smṛti digests form the last stage in the evolution of the subject and we have a long list of such digests or dharma-nibandhas written by various writers at different times and places.

Before the enactment of a law by the Indian Parliament in 1956 all these works had their recognition in the society and time and again disputes arising out of problems relating to sons, adopted sons their rights etc. These were referred to the law courts including the Privy council in England.

It is interesting to note that in the western countries also in ancient times the problem of adopted son was discussed. Dr. Strange's Hindu Law and Sir William Jones's works (Vol. IX) quote such instances of adoption and disputes

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27. The works of Baudhāyana and Āpastamba are in currency in South India. *Jaiminiya-nyāya-mālāvistara* mentions that Sāyaṇācārya belonged to the *Baudhāyana sākhā*.

connected with that. Some such instances from Isaens, Cicero and Justinian are quoted by Pandit Vidyabhushan to show that even in ancient Greece and Rome adoption of a child was an accepted practice for secular and spiritual better benefits (Vidyabhushan, *op.cit.* pp. 40-44).

Now we propose to give a list of works on adoption as could be collected from diverse sources including the work of Mm. P.V. Kane and the *New Catalogus Catalogorum*, Vol. VIII.

List of Smṛti Nibandha works on the theory and practice of adoption.[28]

1. *Dattaka-kaumudī*-author-Rāmajaya Tarkālaṅkāra, printed in Calcutta 1827, summarised in the *Dattaka-śiromaṇi* of Mm. Bharatacandra Śiromaṇi and printed under the patronage of Prasanna Coomar Tagore, Calcutta, 1867.
2. *Dattaka-Kaustubha*—by Kedaranath Datta, printed, Calcutta.
3. *Dattaka-candrikā* of Kubera, printed, Calcutta 1857. Text printed with Marathi translation from Baroda, 1899. The last verse of the work is interpreted in a queer way to give the author's name as Raghumani, but the interpretation is not given any evidence. The work is included in the *Dattakaśiromaṇi*.
3. *Dattaka-candrikā* of Kolappācārya
4. Do — of Tolappara, son of Śrīnivāsācārya
5. *Dattaka-candrikā-ṭikā* by Takonalāla
6. *Dattakatattva-(vi) nirṇaya* by Harināthamiśra.
7. *Dattakatilaka* of Bhavadeva—a part of the *Vyavahāratilaka*. Summarised in the *Dattakaśiromaṇi*. It has been shown that it represents the work as contained in our Ms. B is an apocryphal one—not coming from the pen of the

28. Based mainly on the list prepared by P.V. Kane, Hist. of Dh. Vol. I. Pt. II. appendix and the *New. Cat. Cat.* vol. VIII.

great polymath. It was prepared by some scholars from the original of which Pandit Chaturbhuj Sharma might have been one.

8. *Dattaka-darpaṇa* by Dvaipāyana. A work of this name is included in the *Dattakaśiromaṇi.*
9. *Dattakadīdhiti* by Mm. Ananta Bhaṭṭa (printed in Calcutta and also at Bhavanagar)—included in the *Dattakaśiromaṇi.*
10. *Dattaka-nirṇaya* by Tatyashastrin.
11. *Dattaka-nirṇaya* by Viśvanātha Upādhyāya.
12. *Dattaka-nirṇaya* by Śūlapāṇi Sāhuḍiyana (part of his bigger digest work named *Smṛti-viveka.* P.V. Kane held that nearly the whole of the work is printed in the *Dattaka-śiromaṇi* but Pt Rajendra Vidyabhushan informed us that *Dattakanirṇaya* included in the *Dattaka-śiromaṇi* was from the pen of Mm. Śrīnāthabhaṭṭa—one of the foremost Gauḍīya Smārtas—i.e. Śrīnātha Ācārya Cūḍāmaṇi—a senior contemporary of Raghunandana, perhaps his teacher. It is not known why Prof. Kane took this to be the work of Śūlapāṇi. See Vidyabhushan, *op.cit.* p. 54 and its footnote. So—another work.
13. *Dattakanirṇaya* of Śrīnāthabhaṭṭa/Śrīnātha Ācārya Cūḍāmaṇi.
14. *Dattakaputra-vidhāna* by Anantadeva. Perhaps it is the same as *Dattakadīdhiti*—Sl. 9. above.
15. *Dattakaputravidhāna* by Nṛsiṃhabhaṭṭa.
16. *Dattakaputravidhi* by Śūlapāṇi same as Sl. 12 above.
17. *Dattaka-mīmāṃsā* or *Dattaka-putranirṇaya-mīmāṃsā* of Nanda paṇḍita alias Vināyakapaṇḍita. It is included in the *Dattakaśiromaṇi* and is perhaps the best known work on the subject Ed. Mm. Bharatcandra Śiromaṇi with Skt. Comm. Bāla bodhinī together with *Dattakacandrikā* and its comm. *Bālasambodhinī*—both done by him and printed in Bengali characters, Calcutta 1857. Ed. Mm. Bharatcandra Śiromaṇi, Cal. 1885. Ed. Anandashram Press, Poona, 1941.

18. *Dattaka-mīmāṃsā* by Mādhavācārya
19. *Dattakavidhi*—an extract from the *Vyavahāramayūkha* of Nīlakaṇṭha.
20. Do — by Vācaspati.
21. *Dattaka-viveke* by Śūlapāṇi (vide Sl. 12 above)
22. *Dattaka-sapiṇḍa nirṇaya.*
23. *Dattakojjvala* by Vardhamāna.
24. *Dattacintāmaṇi* by Vajreśvara.
25. *Dattadāyaprakāśa* by Vrajanatha Vidyaratna, printed, Cal. 1875.
26. *Dattaputra-tattva-viveka* by Vāsudevabhaṭṭa.
27. *Dattaputravidhi.*
28. *Dattamañjarī.*
29. *Dattaratnapradīpikā* by Śrīnivāsācārya.
30. *Dattaratnākara* by Dharmarājādhvarīndra, son of Mādhavādharīndra, later than 1650 A.D.
31. *Dattaratnārpaṇa* by Sītārāmaśāstrin.
32. *Dattavidhi* by Vaidyanātha.
33. *Dattasaṃgraha* by Bhīmasena Kavi.
34. *Dattasiddhānta mañjarī* by Bālakṛṣṇa, son of Devabhadradīkṣita.
35. *Dattasiddhāntamañjarī* by Bhaṭṭa Bhāskara Paṇḍita (one *Dattakasiddhāntamañjarī* is included in the *Dattakaśiromaṇi*)
36. *Dattasiddhānta-mandāra-mañjarī.*
37. *Datta-smṛtisāra.*
38. *Dattahomānukramaṇikā.*
39. *Dattādarśa* by Mādhavapaṇḍita.
40. *Dattārka* by Dada Karjugi.
41. *Dattārcana-kaumudi* or *Dattātreya-paddhati* by Caitanyajīvī.
42. *Dattārcanavidhicandrikā* by Rāmānandayati.
43. *Dattāśauca-vyavasthāpanavāda* by Rāmasubrahmaṇya Śāstrī.

44. *Dattakakuṭhāra*, appert I. b1.
45. *Dattakakramaśaṃgraha* Śukṛṣṇa Tarkālaṅkāra Bhaṭṭācārya (same as *Dāyādhikārakrama-saṃgraha*).
44. *Dattakagrahaṇa prayoji*, SSPC. III. T. 122.
45. *Dattakagrahaṇavidhi* by Rudradhara, SSPC 1.1. 424.
46. *Dattakacandrikā* by Śyāmatala
47. *Dattakadarpaṇa* by Mandalik, p. 62.
48. *Dattakanirṇaya* by Dvaipāyana.
49. *Dattakanirṇaya* by Nanda Paṇḍita son of Rāma Paṇḍita.
50. *Dattakanirṇaya* by Harinātha Miśra.
51. *Dattakanirṇayāmṛta* by Śrīdhara Aṇṇā Śāstrī Vare, Ujjaini, I. p. 27.
52. *Dattakanyāparāvṛtti* from Govindārṇava of Śeṣa Nṛsiṃha.
53. *Dattakaputrakaraṇavidhi*, Navadvīpa, 123.
54. *Dattakaputragrahaṇakāla*, PUL, I. p. 89.
55. *Dattakaputranirūpaṇavidhi* according to Vācaspatimiśra, Dacca 317k.
56. *Dattakaputrapratigrahavidhi* from Dharmaprakāśa.
57. *Dattakaputraprayoga*, Dacca 3737.
58. *Dattakaprakaraṇa* according to *Smṛtyarthaprakāśa*.
59. *Dattakasapiṇḍanirṇaya*—Bik. 815.
60. *Dattakaviṣaya*—TA. 2653.
61. *Dattakaumudī* by Biṭṭhalārya, Aiyar, p. 109.
62. *Dattakaumudī* Mysore I, p. 109.
63. *Dattakaustubha*—appert II. 8855.
64. *Dattakāśauca*—Rajapur, 901.
65. *Dattakāśaucanirṇaya*—Bikaner 1583.
66. *Dattakagrāhyāgrāhyaricāra*—Maudalik Sup. 144.
67. *Dattakojjvala* by Vardhamāna—Hpr. I. 162.
68. *Dattakolāhala* by Raṅganātha, son of Śrīnivāsa, Adyar, MT 6852, Mysore, I. p. 109.

69. *Dattakollāsa* by Rāmakṛṣṇakādamba, Ujjain, Latest additions 281.
70. *Dattacandrikā* by Pāṭṭarācārya, second son of Nṛsiṃhācārya of Kaniṣka family and Rāmānujāmbā, daughter of Pāṭṭarācārya of Caturvedī family.
71. *Dattacandrikā* by Haradatta, Gough, p. 165.
72. *Dattacintāmaṇi* by Vāñcheśvara, a Kārṇāṭa Brāhmaṇa, son of Nṛsiṃha and great grandson of Vāñcheśvara of Kuṭṭikavi.
73. *Datta-dattikā-bhāṣā-dīnāṃ-dhanādhikāra-vicāraḥ*, Mandalik, Suppl. 153.
74. *Datta- (prakaraṇa)-mīmāṃsā* by Laugākṣibhāskara.
75. *Dattamīmāṃsāsamīkaraṇa*—criticism of *Dattaka-mīmāṃsā* of Nanda Paṇḍit by Īśvarayajvan, MD. 16032.
76. *Dattaratna-pradīpikā* by Veṅkaṭācārya.

This list shows how lively and positive the concept of adoption appeared to Indian mind and varying interpretation of the same Smṛti texts by medieval digest writers led to formation of varying tracts on the subject. The reason however is not very complicated. In spite of the supreme authority of Manu, Yājñavalkya etc. the digest writers interpreted them in their own way and we have the Dāyabhāga and the Mitākṣarā schools. The interpretation of rules varied from province to province and we have Gauḍīya Smṛti, Maithila Smṛti etc. Naturally litigations arose and Prof. Kane has rightly remarked. No branch of Hindu law in modern times has been so fruitful in litigations as adoption. (*History of Dharmaśāstra*, Vol. III, p. 662).

Sir Thomas Strange (author of Hindu Law), Sri Golapchandra Sarkar Shastri, Dr. P.K. Sarvadhikari (Tagore Law Lectures), and many other legal luminaries have written volumes on the subject of adoption in all its details and Prof. Kane has referred to them in his work (Vol. III. pp. 662-699) wherever necessary and inquisitive readers are referred to these.

Description of the manuscripts utilised for the text.

It has already been said that our present text of the *Dattakatilaka* is based on two Mss. both written in old Bengali script and having almost the same condition. We want to add here that the text is virtually based on one Ms. and the other Ms. is another to check the relevance of the topics discussed in the former. These Mss. are indicated by the letters A and B and they may be described as follows :

A - Ms. is 4486 (Smṛti) of the library of the Sanskrit Sahitya Parishat (168/1, Raja Dinendra Street, Shyambazar, Calcutta-700 004). Substance—country made paper, irregularly thick and reddish brown due to decay. Size : 35cm x 8.5 cm., folios 1-35. Complete. Undated. Characters—old Bengali of the 18th century with occasional remnants of Proto Bengali signs; e.g. is used to denote ḍa (fol. 35a). Not always neatly written and fairly correct, with 6 lines to a page, except on folios 28 a+b, 29 a+b, 31a and 32b (which have five lines each)17a+b, 22b, 23b to 35a (which have 7 lines each), 30a (having 8 lines) and 35b (having only one line). It appears to be written in one hand. Orthographical peculiarities : very often reduplicating consonant following, (i.e. r) are used; Anusvāra is used sometimes by a lot above the letter and sometimes in the manner it is used in modern Bengali. At the end of a word or a sentence also *anusvāra* is used in the place of *m*. Conjunct consonants *tt* is used by the sign 3. The symbols for *ṇṇa* (in fol. 33b), *tya* -(by) (31b etc.) are worth noting. In short this Ms. is complete, readable and well-maintained. Scribal mistakes are not much e.g. *abhidhattavān* (for *abhihitavān* in fol. 29a), *karaṇīyeti* (for *karaṇīyaḥ iti* fol. 10b). In fol. 23b and 24a sometimes are repeated : "*atra ca vaśiṣṭha smṛtan .... vakṣyati*—this forth— is written twice in both the folios and the scribe seems to be unaware of it. Beginning—(fol.1b) *om namo gaṇeśāya/putrā dvādaśa ye proktā* etc.

Colophon—(35b)–*iti Śrī Bhaṭṭabhavadevakṛto vyavahāra tilakottaro dattakatilakaḥ sampūrṇaḥ//*

Ms. B. - Ms. no. J-233 of the library of the Sanskrit Sahitya Parishat, Calcutta.
Substance—country made paper and it resembles Ms. A. in almost in all respects like size, script excepting that it appears more fresh than the former folios 1-10(a) complete. The script is Bengali of the late eighteenth and early nineteenth centuries. It is dated and bears the date : Śakātītābdāḥ 1737/3/2.

Beginning:- ॐ नमो गणेशाय ॥ चतुर्वदन सद्मस्थचतुर्वेद कुटुम्बिने ।
द्विजानुष्ठेय सत्कर्मसाक्षिणे ब्रह्मणे ॥ To note that this verse appears also in the कर्मानुष्ठानपद्धति of भवदेवभट्ट ।
This is followed by व्यवहारस्य तिलके दत्तकादेः प्रसङ्गतः ॥
क्रियते भवदेवेन तिलको दत्तकस्य च ॥ etc.

Colophon- इति श्री भट्टभवदेवकृतौ व्यवहारतिलकोत्तरे दत्तकतिलकः सम्पूर्णः॥ शकातीताव्दाः १७३७/३/२॥ शाके सप्तिधनञ्जयाब्धिशशिगे सूर्ये नभोद्व्यंशा। श्रीमद्विप्रचतुर्भुजस्यनिखिलव्याख्यातशास्त्रावनेः/ आज्ञां प्राप्यवसुन्धरासुरगुरो रङ्गीकृतस्वादरे श्रीमत्केवलरामपण्डितवरे प्रीत्यैतयोरञ्जसा/विज्ञाप्याभ्युपपत्तिलब्धुमनसादीनैकवन्धोः परं मन्वानेन सुभागधेयमनिशं व्यालोक्य पत्रीं मुदा/ श्रीमद्रामदुलालसेनभेषजा व्यालेसि पुस्तीद्वयम्॥ स्वस्ति प्रार्थयता चतुर्भुजपदद्वन्द्वार-विन्दोत्करे॥२॥ पुस्तकम् ॥

Jaydeb Ganguly Shastri

LIST OF ABBREVIATIONS

Apast	Apastamba Gautama
Baudh	Baudhāyana
Man	Manusmṛti
Yaj	Yājñavalkyasmṛti
Ait Bra	Aitareya Brāhmaṇa
ṚV	Ṛgveda
Yaj. V	Yajurveda
Athar	Atharvaveda
Vishnu	Viṣṇudharmaśāstra
शिरोमणि	Mm. Bharat. भरत शिरोमणि

॥ ॐ नमो गणेशाय ॥

भट्टश्रीभवदेवकृतः

दत्तकतिलकः

[मङ्गलाचरणश्लोकः]

चतुर्वदनसद्मस्थचतुर्वेदकुटुम्बिने ।
द्विजानुष्ठेयसत्कर्मसाक्षिणे ब्रह्मणे नमः ॥१॥
व्यवहारस्य तिलके दत्तकादेः प्रसङ्गतः ।
क्रियते भवदेवेन तिलको दत्तकस्य च ॥२॥[1]

1. मूलम्

पुत्रा द्वादश ये प्रोक्ता दायभागानुसारतः।
तदिदानीं प्रवक्ष्यामि साङ्गोपाङ्गविधिक्रमान्॥१॥

तत्रादौ पुत्रशब्दार्थमाह मनुः (९.१३८)

पुन्नाम्नो नरकाद्यस्मात्त्रायते पितरं सुतः।
तस्मात् पुत्र इति ख्यातः स्वयमेव स्वयम्भुवा ॥२॥

(1B)अत्र यस्मात्तस्मादिति हेतुवन्निगदेन पुदिति समाख्याय सिद्धविषय-निस्तारकत्वेन प्रथमपुत्रस्यैव पुत्रसमाख्यानं सिद्धवन्निर्दिष्टम्। तच्चापाततः श्रुतिविप्रतिपन्नमिव प्रतिभाति। तथा (च) श्रुतिः "दशास्यां पुत्रानाधेही"ति।[1a] अत्राधास्यमानानां दशानामेव पुत्रत्वाभिधानात् मूलमूलि विरोधः। न खलु द्वितीयादिपुत्राणां तन्निस्तारकत्वं सम्भवति तद्वचनाबोधितत्वात् प्रतियोग्यन्तरविरहाच्च। तन्निस्तारकत्वं तु

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1. श्लोकद्वयमिदं Ms. A. पुस्तके नास्ति ॥

1a. इमां त्वमिन्द्रमीढ्वः सुपुत्रां सुभगां कृणु ।
दशास्यां पुत्रानाधेहि पतिमेकादशं कृधि ॥ Ṛgveda x. 85. 45

(तिलक) दीप्तिटीका

प्रणम्य भारतीं देवीं भवदेवमतःपरम् ।
तिलके दत्तकाख्येऽत्र वाचं कुर्मः स्फुटोज्ज्वलाम् ॥
तदर्थं लब्धग्रन्थानामालोड़नविलोड़नम् ।
कृत्वापि नास्ति मे तोषो विना पण्डितमर्शणम् ॥
शङ्के तत्र दोषराशिरायातो मम जाड्यतः ।
सज्जनैः स परिष्कार्यः शास्त्रसागर पारगैः ॥

(1b) आसीत् तत्रभवान् सकलशास्त्रपारङ्गमो वङ्गाधिपधर्माध्यक्षो वालवलभी भुजङ्गापरनामा उत्तरराढ़ायां सिद्धल ग्रामवास्तव्यः सावर्णगोत्रीयो विप्रोभट्टभवदेवाख्यो विपश्चिदपश्चिमः। स्वकीय वैदुष्येण विविधशास्त्रविषयकान् ग्रन्थान् विरचय्य वौद्धाम्भोनिधिं परिशुध्य सनातनधर्मं स्वे महिम्नि स्थापयितुकामस्य तस्य महिमा आधुनिकोत्कलराज्यराजधान्यां भुवनेश्वरनगर्याम् अनन्तवासुदेवमन्दिरप्राप्त भवदेव-प्रशस्तिपट्टतः उपलभ्यते। व्यवहारविषयकं व्यवहारतिलकनामकम् अधुनाऽसुलभं धर्मशास्त्रनिबन्धं समाप्य तस्योत्रर भागरूपे दत्रकतिलकन्नाम्नि अस्मिन् निबन्धे दत्तकात्त्वं स्वप्रज्ञानुसारं प्रतिपिपादयिषुणा तेन व्यरचि अयम् इति आदावेव प्रारिप्सितस्य विघ्न विनाशनार्थं सकलसम्मताविगीत-शिष्टाचारश्च स्मारं स्मारं मङ्गलाचरणं व्यधायि चतुर्वदनसद्मस्थेति।

मन्वादिशास्त्रेषु द्वादशविधानां पुत्राणां नामानि प्रदत्तानि । तन्मध्ये दत्तकपुत्र-श्चान्यतमः। तत्र दत्तकाख्यस्य पुत्रस्य विषये समालोचनात् प्राक् पुत्रशब्दस्य निर्वचनमपेक्षितम् इति हेतोः मानवधर्मशास्त्रात् (9. 138) निर्वचनं प्रदत्तं पुन्नाम्नो नरकादिति । पुत्रहीनो जनः पुत्रप्रदत्तपिण्डाद्यभावात् पुन्नामकं नरकं गच्छति इति शास्त्रप्रसिद्ध्यनुसारं वचनम् ॥

हेतुंवन्निगदः — हेतुरिव श्रुयमाणं यद्वाक्यं तत् हेतुविधिरूपेण न ग्राह्यम्। किन्तु अर्थवादतयैव ग्राह्यम् इति मीमांसासूत्रे (I. 1.126-130) हेतुवन्निगदाधिकरणे सिद्धान्तितम्। विधिं विना हेतुवन्निगदप्रयोजनं न वर्त्तते। अर्थात् केनापि विधिना निषेधेन वा सह सम्बन्धं विध्यर्थस्य स्तुतिं निषिद्धार्थस्य निन्दां वा प्रकाशयितुम् एव हेतुवन्निगदस्य प्रयोजनम्। पुत्रं पिता जनयेत् इति कल्पितविधिवाक्यस्य प्रशंसनार्थम् एवैतत् हेतुवन्निगदवाक्यम्। यद्वाक्यं विधिना प्राप्यते तद्धि विधिद्वारेण क्लेशकरे कर्मण्यपि प्रवर्त्रकं भवति। कर्मणश्च क्लेशकरत्वात् कर्मप्रवृत्तिः स्तिमिता भवति। तां स्तिमितां कर्मप्रवृत्तिं अर्थवादवाक्यम् उद्बोधयति। ततश्च क्लेशकरेऽपि कर्मणि प्रवर्त्रते लोकः। सिद्धविषयस्य अर्थात् विधिवाक्येन प्राप्तस्य विषयस्य क्लेशकरत्वात् कर्मणि

या अनीहा शैथिल्यं वा तस्मात् निस्तारयति यत् तत् निस्तारकं — अर्थात् कर्मणि प्रवृत्तिं जनयति। मानवीये श्लोके यस्मात् तस्मात् इत्यादि कथनेन द्वादशविधेषु पुत्रेषु प्रथमस्य ज्येष्ठस्य पुत्रस्यैव पुत्रत्वाख्यानं युक्तं सिद्धविषयनिस्तारकत्वात्।।

पुत्रे जातमात्रे पितुः नरकगमणं निवारितं भवतीति फलितार्थः। तेन एकवचनप्राप्तेन प्रथमपुत्रेणैव तत्कार्यसिद्धिरितिनिर्देशे एतद्वचनमापाततः श्रुतिविरुद्धम्। श्रुतिश्च स्मृतेर्मुलरूपा। तत्र ऋग्वेदे दशममण्डले वर्त्तते—"इमां त्वमिन्द्र मीढ्वः सुपुत्रां सुभगां कृणु। दशास्यां पुत्रानाधेहि पतिमेकादशं कृधि"।। (Ṛv. 10.85.45) इति। अत्रमनुवचनेन द्वितीयादिपुत्राणां पितृनरकगमनबाधकत्वं न सम्भवति प्रतियोगिसद्भावात् अर्थात् एतद्वचनविरोधिनो वचनान्तरस्याभावात् उपयुक्तवचनेन तद्विनिगमनाच्च।।

(1b) [Om. Salutation to Gaṇeśa etc.] I shall narrate now fully the duties in connection with the twelve types of sons that have been named in the context of partition of ancestral property. Let us see at the beginning the meaning of the word *putra* as given by Manu (9.138) : Since the son delivers the father from the hell named '*put*', the creator himself gave it the name '*putra*' (protector from the hell '*put*'). Here in this statement of Manu by means of '*Hetuvannigada*' (an utterance looking like a reason of the statement following *Mīmāṃsā-sūtras* I. 1. 126-130)—the connotation of the term '*putra*' becomes fixed on the first son itself. And that apparently goes against the Śruti as it were, for we have the Vedic statement (Ṛv. X. 85.45 ed) 'produce ten sons in her'. By this all the ten sons that will be produced become fit to get the name *putra* and therefore here is a 'non-sequitur' or contradiction of the conclusion with its source. For the second and the following sons cannot become protector of the father from hell as it does not follow from the statement. Nor is there any statement contrary to this contention.

(1b) (ওঁ গণেশকে প্রণাম ইত্যাদি) দায়বিভাগ প্রসঙ্গে যে দ্বাদশপ্রকার পুত্রের কথা বলা হইয়াছে অধুনা সে বিষয়ে করণীয় কর্ত্তব্যের নিয়ম ক্রমানুযায়ী আদ্যোপান্ত বলিতেছি, সে বিষয়ে আদিতে পুত্রশব্দের অর্থ মনু (9.138) এইরূপ বলিয়াছেন— পুত্র পিতাকে পুন্নাম নরক হইতে ত্রাণ করে, এইজন্য ব্রহ্মা স্বয়ং তাহার 'পুত্র' এই নাম দিয়াছেন। এই শ্লোকে 'যস্মাৎ তস্মাৎ' এই দুইটি শব্দের যোগে মীমাংসা সূত্রোক্ত হেতুবন্নিগদের দ্বারা 'পুৎ' এই বলিয়া প্রসিদ্ধ বিষয়ের নিস্তারকত্ব হেতু প্রথম পুত্রেরই—

পুত্র এই নাম প্রসিদ্ধ বিষয়ের মত নির্দিষ্ট, এবং তাহা আপাতত বেদবিরুদ্ধ বলিয়াই মনে হয়। কারণ শ্রুতিতে বলা আছে —'এই কন্যাতে দশটি পুত্র স্থাপন কর'। এই বচনের দ্বারা আহিত হইবে অর্থাৎ উৎপন্ন হইবে এমন দশটি পুত্রই পুত্র নামযোগ্য হইবে বলিয়া মূল (=বেদ)-এর সহিত মূলিন্ (=স্মৃতি অর্থাৎ মনুবচন)- এর বিরোধ উপস্থিত হয়। (দ্বাদশজন পুত্রনামের যোগ্য হইবে না) (তাহার ফলে দ্বিতীয় পুত্র হইতে আরম্ভ করিয়া অবশিষ্ট পুত্রদের পিতাকে নরক হইতে উদ্ধারকারিত্ব হইবে না। কারণ উক্তবচনের দ্বারা তাহা বোঝায় না (যাহা পুত্রদের উদ্ধারকারিত্ব স্থাপন করিতে পারে) এমন অন্য কোন বিরোধবচনও পাওয়া যায় না)।

2 मूलम्

(2A)तदधिकरणावस्थान प्रतिबन्धकत्वम्। ततश्च प्रथमोत्पन्नपुत्रमात्रेण तादृशनरकावस्थानपरीहारेण द्वितीयादेस्तदसाधकत्वेन तत्र पुत्रशब्द-प्रवृत्तिनिमित्तीपुर्वकमित्यत्र समादधति। ज्येष्ठपुत्रस्य मध्यमाद्यपेक्षया विशिष्टोपकारदर्शनात् प्राधान्यं द्वितीयादीनां तदापेक्षिकं गौणत्वमिति। अतएव शङ्खलिखितौ

> पितृणामनृणो जीवन् दृष्ट्वा पुत्रमुखं पिता।
> स्वर्गी स तेन पुत्रेण तस्मिन् संन्यस्त (संन्यस्त) तदृणः।।
> अग्निहोत्रं त्रयोवेदा यज्ञाश्च शतदक्षिणाः।
> ज्येष्ठपुत्रप्रसूतस्य कलां नार्हन्ति षोडशीम्[2]।।

मनुरपि ज्येष्ठेन जातमात्रेण पुत्री भवति मानवः। पितृणामनृणश्चैव स तस्मात् सर्वमर्हति।। (9.106)। कालिकापुराणं--पुन्नामनरकं पुत्रविहीनः परि-

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2. दायभागधृतं शङ्खलिखितवचनम् (दायभागः-जीवानन्दसंस्करणः पृः-१६१)। शङ्खलिखितधर्मशास्त्रस्य P.V. Kane कृत पुत्रः संयोजनमध्ये। पाठस्तु "...स्वर्गी सूतेन जातेन तस्मिन् संन्यस्य तदृणम्". Dharmashastra of Sankha and Likhita—Reconstructed p. 43 passage no. 285. Jimūtavāhan's reading follows that of Bhavadeva Manu 9.106 ed, however, is read in the Dāyabhāga as स तस्माल्लब्धुमर्हति। Printed Texts, however, of Manu, have सर्वमर्हति which seems better.

(तिलक)दीप्तिः

(2a) ज्येष्ठपुत्र एव पुत्रपदभाक् अन्ये तु कामजाः पुत्राः। श्राद्धादौ स्मृतं 'सर्वेषां तु मतं दृष्ट्वा ज्येष्ठेनैव तु कारयेत्' इति। अतः ज्येष्ठेनैव सिद्धे कार्ये अन्येषां वैयर्थ्यम् आपद्येत। न त्वेकं पुत्रं दद्यात् प्रतिगृह्णीयाद्वा हत्यादौ एकपदेन एकमात्रं ज्येष्ठम् इत्यर्थः फलितः। एतन्मूलकं यद्वचनं तद्वचनं द्वितीयादिपुत्रेषु न प्रयुज्यते। तद्वचनविरोधि वचनान्तरम् अपि न लभ्यते किञ्च द्वितीयादिपुत्रैः उपरतस्य पितुः नरकाद्यधिकरणे अवस्थानबाधकत्वं न सम्भवति इति आशङ्का। प्रथमपुत्रेणैव नरकादुद्धारः सम्भवति चेत् द्वितीयादि पुत्रैः तस्मात् नरकादुद्धारः न सम्भवति इति हेतोः तादृशे पुत्रे पुत्रत्वधर्मो नास्ति इति हेतोः प्रवृत्तिनिमित्तम् आश्रित्य समाधत्ते। अत्र पुत्रत्वम् आपेक्षिकगौणत्वं भजते। द्वितीयादिपुत्रेषु औरसत्वधर्मो वर्त्तते। संक्षेपेण नरकनिस्तारकत्वं नरकवासनिवारकत्वम्। तच्च प्रथमपुत्रेणैव सिध्यति चेत् कथं द्वितीयादेः पुत्रत्वमित्याक्षेपे पुत्रपदनिर्वचनम् एव तत्र समाधानमूलम्। द्वितीयपुत्राद्यपेक्षया पिण्डदानादिभिः विशिष्टोपकारकत्वात् ज्येष्ठपुत्रस्य प्राधान्यमतः शङ्खलिखितवचने वरीयस्त्वं प्रकाशितं तस्य॥

शङ्खलिखित-कालिकापुराणादिवचनानि मनुवचनसमानानि पुत्रमुखदर्शनादर्शनाभ्यां समानफलदायकानि। पुत्रमुखदर्शनेन नरकनिवारणम्, तदभावे तदभावः। किञ्च दर्शनादर्शनाभ्यां ज्यायस्त्वकनीयस्त्वनिरूपणमपि सम्भवति। यन्मुखं प्रथमं दृष्टं स एव ज्यायान् यस्य पश्चाद्दर्शनं स कनीयान् यमजादावपि तथैव। न हि मनुना पुत्रमुखदर्शनं विशिष्य कथितम्। यदा व्युत्पत्त्या एव पुत्रपदसिद्धिः सम्भवति तदा मुखदर्शनादर्शनाभ्यां गौरवारोपणेन किम्? किञ्च गयापिण्डदानादिभिः न प्रेतत्वविमुक्तिः– तस्याः षोड़शश्राद्धैरेव सम्भवात्। गयाश्राद्धादयस्तु प्रेतत्वविमुक्तेरुपकारकाः। ज्येष्ठः पुत्रः नरकनिवारणहेतुः। अन्ये उपकारकाः। तेष्वपि औरसत्ववर्त्तमानत्वात् क्षेत्रजापेक्षया तेषां श्रेष्ठत्वम्। क्षेत्रजेषु पुत्रत्वं लाक्षणिकम्। पौनर्भवपुत्रस्य पुनर्भूमातुः पितुरौरसात् एव जन्म।

(2a) *tan-nistārakatva* means—in the state by which one prevents living in that particular abode i.e. the hell named '*put*'. Then by the first son itself when the residence in hell is avoided the same cannot be achieved by the second and subsequent sons, the anomaly is solved by *pravṛttinimitta* of the word *putra*. The eldest son gets preference to the second and subsequent sons on account of doing some special benefit (to the departed father by offering funerary rice fall or *piṇḍa* etc.) and therefore is more important than the rest and the latter become relatively unimportant. Therefore Śaṅkha and

Likhita said : The father while living, gets redeemed of his debt to departed father etc. by seeing the face of his son and on death goes to heaven after passing over similar debt to his son. The Agnihotra sacrifice, the triple Vedas and major ritual sacrifice with hundreds (of gold coins) as sacrificial fee (even) do not deserve to be equal to the sixteenth part of (the result accruing from) the birth of first son. Manu also said : From the birth of his first son a man becomes endowed with a son and released from the debt to his names and therefore can have everything from that. *Kālikāpurāṇa* also has—

(2a) তন্নিস্তারকত্ব শব্দের অর্থ তৎ অর্থাৎ সেই পুৎ নামক অধিকরণ বা আধারমধ্যে অবস্থানের নিবারকত্ব। তাহাতে প্রথম উৎপন্ন পুত্রের দ্বারাই সেইরূপ নরকে অবস্থানের নিবারণহেতু দ্বিতীয় উৎপন্ন পুত্র হইতে অবশিষ্ট অন্যপুত্রদের (দ্বারা) তাহা হয় না বলিয়া সেই সকল ক্ষেত্রে পুত্রশব্দের প্রবৃত্তিনিমিত্ত (প্রয়োগের কারণ) অবলম্বন করিয়া শঙ্কার সমাধান করিতেছে। দ্বিতীয় তৃতীয় প্রভৃতি পুত্রের তুলনায় জ্যেষ্ঠপুত্র (পিতার পিণ্ডদানাদি দ্বারা) বিশেষ উপকার সাধন করে বলিয়া তাহার প্রাধান্য। সেই তুলনায় মধ্যমপুত্রাদির অপ্রাধান্য। তাই শঙ্খ , লিখিত বলেন, জীবৎকালে পুত্রের মুখ দেখিয়া পিতা তাঁহার মৃত পিতৃপুরুষদের প্রতি ঋণমুক্ত হয়েন এবং সেই পুত্রের উপর তাদৃশ পিতৃ-ঋণ মোচনের দায় রাখিয়া স্বর্গত হয়েন। অগ্নিহোত্র, তিনটি বেদ (ত্রয়ী), শতদক্ষিণাযুক্তমহাযজ্ঞসমূহ (প্রভৃতি মহান্ বিষয়) জাত জ্যেষ্ঠ পুত্রের (জন্মজনিত পুণ্যের) ষোড়শভাগের সমান হইতে পারে না। মনুও বলেন— প্রথম পুত্র জন্মান মাত্রই মানব পুত্রবান্ হয় এবং পিতৃ-ঋণ মুক্ত হয়—তাই সে তাহা হইতে সব কিছু লাভ করিতে পারে। কালিকা পুরাণে আছে—পুত্রহীনজন পুন্নামক নরক সর্বতো ভাবে.......

3. मूलम्

(2B) (परि)पश्यति। न तपोभिर्नधर्मेण तन्मोचयितुमीश्वरः। केवलात् पुत्रजननात् मोक्षस्तस्मात् प्रजायते (कालिकापुराण, ch. 89. V.V. 11-12ab)।। तथा पुन्नामा निरयः प्रोक्तश्छिन्नतन्तुस्तु नैरयः। तत्रवै त्रायते यस्मात्तस्मात् पुत्र इति स्मृतः।।[3] इत्यादिकमपि मनुवचनसमानमेवेति। एषु च ज्येष्ठोऽपि

3. दायभागधृतं हारीतवचनम्। व्यवस्थादर्पण नामके पाङ्गलभाषानिवन्धे धर्माधिकरण कार्यपरिचायके पुस्तकेऽपि पृः 823-825) उद्धृता एते अन्य श्लोकाः।

विशिष्टगुणयुक्तश्चेत् तदा जात एव मुखदर्शनादर्शनाभ्यां नरकनिस्तारकः। दृष्टश्च वेदाचारवहिर्भूतवर्त्मवर्त्तमाननृपवेणस्य कुपितमुनिगणहुंकृतिविनष्ट-कलेवरस्य दक्षिणवाहुमन्थनोत्पन्नमात्रेण पृथुना तस्मात् नरकात् परित्राणम्। तदुक्तं विष्णुपुराणे स तु पुत्रेण जातेन वेणोऽपि त्रिदिवं गतः। पुन्नाम्नो नरकात् त्रातः स तेन सुमहात्मना।। महदिति विशेषणात्।

दीप्तिः

(2b) महाभारत-मनुसंहिता-विष्णुपुराणादौ-दृष्टं वेदाचारविरूद्धमार्गप्रवृत्तस्य राज्ञो वेणस्य सुपुत्रेण पृथुना जातेनैव नरकात् त्राणम्। तत्रापि वेणनृपस्य दक्षिणवाहुतः पुत्रस्य उत्पत्तिः तेन पुरूषस्य दक्षिणावयवाधिकारी पुत्रः कन्या च वामावयवाधिकारिणी इत्यपि आयाति। एकाधिकपुत्रप्रयोजनं लिखितस्मृतौ अत्रिस्मृतौ च व्यक्तमुक्तम्। वहवश्चेत् पुत्रास्तर्हि तन्मध्यात् एकोऽपि पितुः गयापिण्डदानवृषोत्सर्गरूपाम् और्ध्वदैहिकक्रियां कर्त्तुमुत्सहेत इति एकपुत्र--एकाधिक पुत्र इति पक्षद्वयस्य आपाततः तुल्यवलत्वे समादधते ग्रन्थकाराः। आद्ये तकारद्वयवान् पुत्र शब्दः तस्य सिद्धिश्च पुत्+त्रै+क इति। द्वितीये एकतकारवति पुत्रशब्द पुत् पवने इति धातौ त्र-प्रत्यय योगात् निष्पन्नः एकतकारवान् पुत्रशब्दः। अर्थात् प्रथमपुत्रः पुन्नाम्नः नरकात् त्रायते द्वितीयादयस्तु गयाश्राद्ध-नीलवृषोत्सर्गादिना पुनन्ति।

तेन च औरसपुत्रे पुत्रपदम् अभिधावृत्तिसुतम्। अन्यत्र क्षेत्रजादौ लाक्षणिकं तत्पदम। दायभागे ज्येष्ठस्य विशेषभागार्हता या कथिता ज्येष्ठं वा श्रेष्ठ-भागेन....इत्यादिना तत्रापि औरस ज्येष्ठस्यैव ग्रहणम्। श्रुतिवाक्ये दशपुत्रत्वं कथितम्। मनुना यद्यपि पुन्नाम्नो नरकादित्यत्र एकवचनं कथितं तथापि न तत् तन्त्रम्-- अन्यत्र बहवः स्युर्यदा पुत्रा इत्यादौ पुत्राणां बहुत्वस्वीकारात्। अतः कथितेन श्रुतिवाक्येन सह तस्य विरोधाभावात् न मूलमूलि विरोधः।

जैमिनीयं वचनम् विरोधे त्वनपेक्ष्यं स्यादित्यादि। श्रुतिस्मृतिविरोधे उपजीव्य श्रुतिवचनस्यैव प्रामाण्यम् न उपजीव्य स्मृतिवचनस्य। किन्तु मनुवचनस्य साधकं श्रुतिवाक्यमपि अनुमानेन कल्पयितुं शक्यते। स्मृति-प्रामाण्याधिकरणस्थेन धर्मस्य शब्दमूलत्वादशब्दमनपेक्ष्यं स्यात् (मीमांसासूत्र I.3.1-2) इत्यादि सूत्रेण। जावालस्मृतिवचनेन अन्यत्र च स्मृतेः श्रुत्यपेक्षया दौर्वल्यं तथा च श्रुतिद्वैधस्थले द्वयोरेव श्रुतिवचनयोः प्रामाण्यं प्रकाशितम्।

(2b) (we have that) a sonless man visits hell and he cannot escape it by penance nor by pious acts. Only from by the birth of a son he secures deliverence from that further (we have that) a hell named *put* (is there and) one without male issue goes to that hell. Since the son protects from that hell he is remembered as *putra* in Smṛti texts. This and such other texts convey the same meaning as conveyed by the precepts of Manu. In these the eldest son, when possessed of special qualities, delivers from visiting hell by his appearance when born. It has been seen (in ancient texts that) king Veṇa following a course outside the pale of Vedic religion was killed by the (sudden) roaring of the brahmins angered by him and was delivered from that hell as soon as his son was born by churning his right hand. Therefore it is told in the *Viṣṇupurāṇa* (thus) : By that illustrious son, Veṇa having been delivered from the hell named '*put*' went to heaven. From the adjective *mahān* (i.e. great or illustrious) it is meant—

(2b) দর্শন করে। তপস্যা দ্বারা ধর্মানুষ্ঠানের দ্বারা তাহা খণ্ডাইতে পারে না। কেবলমাত্র পুত্র জন্মাইলে তাহার দ্বারা মোক্ষ লাভ হইতে পারে। আরও স্মৃতি বচন যথা পুন্নাম (এক) নরক আছে ইহা বলা হয়। যে ছিন্নতন্তু (যাহার বংশধর পুত্র নাই) সে নরকে যায়। সেই নরক হইতে যেহেতু রক্ষা করে সেইহেতু (রক্ষাকারীকে) পুত্র বলা হয়। এই সমস্তও মনুবচনের সমানই এবং ইহাদের মধ্যে জ্যেষ্ঠ ও বিশেষ গুণ যুক্ত হইলে তাহার জন্মের পর মুখদর্শনাদির দ্বারা নরক নিস্তারক হয়। (প্রাচীন গ্রন্থে) দেখা গিয়াছে যে বেদবহির্ভূত আচার লিপ্ত হইয়া (কু) নৃপতি বেণ মুনিগণকে কোপিত করিয়া তাঁহাদের হুঙ্কারে বিনাশ প্রাপ্ত হন এবং তাঁহার দক্ষিণ বাহু মন্থন করিয়া (তাঁহার পুত্র) পৃথু উৎপন্ন হওয়া মাত্রই বেণরাজার নরক হইতে ত্রাণ হয়। তাই বিষ্ণুপুরাণে বলা হইয়াছে সেই (নৃপাধম) বেণ (ও) পুত্রজন্ম মাত্রই (মুক্ত হইয়া) স্বর্গগমন করেন। সেই মহান্ পুত্রের দ্বারা তিনি পুন্নামনরক হইতে রক্ষা পাইয়াছিলেন। উক্ত শ্লোকে মহান্ এই বিশেষণের দ্বারা বোঝা যায় সেই পৃথুর দ্বারা—

4. मूलम्

(3A) तेन पृथुना। अतएव मनुना मुखदर्शनं विशिष्य नाभिहितम्। द्वितीयादि-पुत्रप्रयोजनन्तु 'स्रष्टव्या वहवः पुत्रा यद्यपेको गयां व्रजेत्। यजेत वाश्वमेधेन नीलं वा वृषमुत्सृजेत्'[4] इत्यत्र गयापिण्डदानादिनोपकारख्यापनार्थम्। ततश्च पुत्रस्त्रायते इति व्युत्पत्या प्रथमे (? प्रथमः) पुत्रशब्दो द्वि-तकारवान्। द्वितीयादौ तु पुनाति गयापिण्डनीलवृषोत्सर्गादिभिरिति शोधनार्थपुधातौ त्र प्रत्ययात् पुत्र इत्येक तकारवान पाठात। एवञ्चौरसपुत्रमात्रे पुत्रपदं शक्तं क्षेत्रजादौ तु पुत्रकार्यकारिगुणयोगात् लाक्षणिकम्। एवञ्च ज्येष्ठांशप्रतिपादकं फलमपि [वचनमपि] औरसज्येष्ठपरमेवेति। अतएव ऊर्द्ध पितुश्च मातुश्च समेत्य भ्रातरः समम्।

(3a) 'by that Pṛthu'. Therefore Manu has not specifically mentioned visualising the face (of the son). Regarding the utility of the second and subsequent sons—we have (in Atri, Likhita & Bṛhaspati Smṛtis): "One should crave for multiple sons so that even one of them may go to Gayā (and offer *piṇḍas* there) or may perform the Aśvamedha sacrifice or may do the Vṛṣotsarga Śrāddha with a blue bull (a costly and complicated funerary rite)" by which the spiritual benefit arising from offering *piṇḍa* at Gayā etc. by such sons is expressed. Then in the case of the first son, the word "*puttra*" is to be spelt with two *takāras* (non-aspirate devoiced dental consonant) following the etymology—*putaḥ trāyate* (saves from *put*). In the case of second and subsequent sons it is to be spelt with one *ta* as the word would be derived from the root √*pu* to purify *(punāti)* with the addition of the suffix '*tra*' and the purification is done by means of offering *piṇḍas* at Gayā, *nīlavṛṣotsarga-śrāddha* etc. In this way in the case of *aurasa* son (or natural son, son of the body) only the literal meaning of the word '*putra*' is restricted, in the *kṣetraja* son, (ie. son by levirate) and other sons, the word 'putra' is used only figuratively (in the extended sense), because in such sons also can one find the merits in the form of duties usually done by the son.

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4. In the दादाभ्यस्मृति V. 20 we have the same verse—only स्रष्टव्याः is replaced by यष्टव्याः।

And therefore when a passage refers to the share of the eldest son it is to be taken as referring to the eldest among the natural sons. So when Manu (9.104) says—"After the demise of the father and the mother—the brothers meeting together—"

(3a) অতএব মনু পুত্রমুখদর্শনের কথা বিশেষভাবে বলেন নাই। দ্বিতীয় তৃতীয় প্রভৃতি পশ্চাজ্জাত পুত্রদের আবশ্যকতা বিষয়ে (অত্রি, বৃহস্পতি ও লিখিত স্মৃতির বচন) "অনেক পুত্রের আকাঙক্ষা করা উচিত যাহাতে তাহাদের মধ্যে একজনও যদি গয়া গমন করিয়া পিণ্ড দান করে বা অশ্বমেধ যজ্ঞ করে বা নীলবৃষ উৎসর্গ করিয়া শ্রাদ্ধ করে।"—এই শ্লোকে গয়াতে পিণ্ডদানাদি রূপ উপকারের কথা বলা হইয়াছে। তাই 'পুত্রস্ত্রায়তে' এই ব্যুৎপত্তি দ্বারা প্রথম জাত তনয়ের ক্ষেত্রে পুত্রশব্দটি দুইটি তকার যুক্ত। দ্বিতীয় প্রভৃতি পরবর্ত্তী পুত্রের ক্ষেত্রে পুনাতি অর্থাৎ গয়াপিণ্ডদান, নীলবৃষোৎসর্গ প্রভৃতি কর্মের অনুষ্ঠানের দ্বারা (মৃতপূর্বপুরুষদের) পবিত্র বা শোধিত করে বলিয়া পূ ধাতু +ত্র প্রত্যয়যোগে একটি তকার যুক্ত পুত্রশব্দ। তাই ঔরসপুত্রের ক্ষেত্রেই পুত্র পদটির মুখ্যার্থ প্রযোজ্য। ক্ষেত্রজ প্রভৃতির প্রসঙ্গে পুত্রের করণীয় কার্যের অনুষ্ঠানরূপ গুণের যোগে লক্ষণার্থ প্রযোজ্য। অনুরূপভাবে জ্যেষ্ঠের (শ্রেষ্ঠ) অংশ প্রতিপাদক বচনের ক্ষেত্রে ঔরসজ্যেষ্ঠ রূপ অর্থই গ্রাহ্য। তাই পিতা ও মাতার মরণের পর সকলভ্রাতা মিলিত হইয়া—

(3B) भजेरन् पैतृकम् ऋक्‌थमनीशान्ते हि जीवतो:।। (मनु 9.104) इति।। "बहव: स्युर्यदा पुत्रा: पितुरेकत्रवासिन:" इत्यादि "स्रष्टव्या बहव: पुत्रा:" इत्यादि मन्वादि वचनेषु वहुवचन स्र (श्र) वणात् उक्त श्रुत्येक वाक्यतया न मूलमूलिविरोध:। यत: कस्यचित् नरकनिस्तारणायै-कस्याचित गयापिण्डदानोपकारतौल्यमिति। सममिति क्रिया-विशेषणेनापि स्वजन्यस्वसम्बन्धस्य विशेषाभाव इति प्रदर्शितम्। यच्च मनुना पुदाख्याय नरकनिस्तारणादेवपुत्रपदप्रवृत्तिनिमित्तमिति हेतुवादेनोपन्यस्तं तत्राशङ्का मत्वा ज्येष्ठस्य प्राधान्यप्रतिपादिका श्रुतिरन्यैवाह यथा विरोधे त्वनपेक्ष्यं स्यादसति ह्यनुमानम् इति जैमिनिसूत्रात् (मीमांसासूत्र I.3.3.)। अस्यार्थ:- विरोधे श्रुत्या सह स्मृतेर्विरूद्धार्थ वोधकत्वे स्मृतिवाक्यमनपेक्ष्यम् अनादरणीयमिति। असति श्रुतिवाक्ये स्मृतिवाक्यमात्रप्रदर्शने—

(3b) —should divide the paternal property among themselves (and) they have no right to property in the life time of

their parents where many sons of the same father live together....etc. "Multiple sons are to be desired etc." in such sayings of Manu and others—multiplicity of sons is heard and therefore there is no contradiction between the original and deductions from it—that being averted by synthesizing the extract with the Vedic passage. For delivering one from the hell, one's effort to do some special benefit to him by offering piṇḍa at Gayā and similar other works—is but appropriate.

(In the verse of Manu—*ūrddhwaṃ pituśca* etc.) there is an adverb *'samam'* and by it special negation of *svajanya* (i.e. sons) *svasambandha* (brothers) is indicated. Again, in Manu's word, the term *'put'* is used, to mean *putra* is one who delivers from hell, this etymology has become the cause of use of the word *'putra'* fearing some misconception in this one may presume the presence of another Vedic text that establishes the priority of the eldest (son). For Jaimini in his Sūtra (I. 3.3) said that in the case of conflict with Vedic text, the smṛti text is to be discarded. But even in the absence of a supporting Vedic text for the relevant Smṛti passage one such Vedic text as the basis behind the Smṛti utterance is to be inferred.

(3b) পৈতৃকসম্পদ ভাগ করিয়া লইবে, তাহাদের জীবৎকালে পুত্রদের বিভাগে অধিকার নাই। যেখানে এক পিতার অনেক পুত্র একত্র বাস করে ইত্যাদি, অনেক পুত্রের কামনা করা উচিত ইত্যাদি মনু প্রভৃতির বচন সমূহে বহুবচন (=অনেকপুত্র) এর কথা শোনা যায় বলিয়া প্রাগুক্ত (দশাস্যাং পুত্রান্ আধেহি.....ঋগ্বেদ 10.85.45) শ্রুতির সহিত একবাক্যতা করিয়া মূলমূলিবিরোধ হয় না। যেমন কাহারও নরক নিবারণের জন্য একের দ্বারা আচরিত গয়াপিণ্ড দানাদি দ্বারা যে উপকার সাধিত হয় তাহাই উপযুক্ত হয়। উর্দ্ধং পিতুশ্চ মাতুশ্চ ইত্যাদি মনুবাক্যে 'সমম্' এই ক্রিয়াবিশেষণের দ্বারা স্বজন্য (পুত্রাদি) ও স্বসম্বন্ধ(ভ্রাতাদি)-এর বিশেষ অভাব ইহাই প্রদর্শিত। মনুবচনে যে 'পুৎ' শব্দটি বলিয়া নরক নিস্তারণই পুত্র পদের প্রবৃত্তি নিমিত্ত এইরূপ কারণ প্রদর্শনপূর্বক বলা হইয়াছে সে বিষয়ের আশঙ্কা করিয়া জ্যেষ্ঠের প্রাধান্য খ্যাপক অন্য একটি শ্রুতিই (এইরূপ) বলিয়াছে—জৈমিনি সূত্র বিরোধে ত্বনপেক্ষ্যং স্যাৎ ইত্যাদি তাহাই বলিয়াছে। ইহার অর্থ শ্রুতির সহিত বিরোধে—অর্থাৎ স্মৃতির বিরোধী বচন শ্রুতিতে থাকিলে স্মৃতিবাক্য অনপেক্ষ্য বা অনাদরণীয় হইবে। তথাপি

তাদৃশ স্মৃতিবাক্যের মূলস্বরূপ কোনও শ্রুতিবাক্য না থাকিলেও কার্যসাধক কারণ স্বরূপ শ্রুতিবচন অনুমান করা উচিত।

5. मूलम्

(4A) प्रदर्शने कार्यलिङ्गिकं कारणमनुमेयमिति। श्रुतिस्मृतिविरोधे तु श्रुतिरेव गरीयसी। अविरोधे सदाकार्यं (स्मार्त्तं) वैदिकवत् सदा।। इति यावाल (जावाल)[12] वचनमपि तदानुगुण्येन व्याख्येयम्। श्रुतिद्वैधन्तु यत्र स्यात्तत्र धर्मावुभौ स्मृताविति तेनैवोक्तत्वादिति प्रपञ्चितं व्यवहारप्रकरणे।।

इदानीं पुत्रोत्पादनप्रयोजनमभिधीयते।।०।। श्रुतिः[5] —जायमानो ब्राह्मण स्त्रिभिर्ऋणै ऋणवान् भवति, यज्ञेन देवेभ्यः, प्रजया पितृभ्यः, स्वाध्यायेन ऋषिभ्यः इति। जायमानः समावर्त्तनेन गृहस्थः सम्पद्यमानः। अतःपरं समावृत्तः कुर्याद्दारपरिग्रहम् इति मनूक्तेः[6] गुरुकुलवासोत्तरमेव समावर्त्तनेन गार्हस्थाश्रमप्रवेशात्।। दारसम्बन्धोऽपि तस्यैव उपकुर्वाणस्येति। उपकुर्वाण एव ब्रह्मचारी गुरुकूलवासोत्तरं गार्हस्थाश्रमं प्रविशेदिति विधानात्।

दीप्तिः

(4a) पुत्रोत्पादनप्रयोजनम्--वैदिकधर्मानुयायिनां चतुराश्रमव्यवस्था तथा वर्णचतुष्टयप्रथा च सुप्रसिद्धे। तद्व्यतिरिक्तं पञ्चमहायज्ञानुष्ठानञ्च। एतत्तु सामाजिकानां चतुर्षु आश्रमेषु वसताम् अन्ते ध्यानयोगेन तनुत्याग एव विधेयः। द्वितीयमाश्रमं प्रविविक्षूणां कृते ऋणत्रयस्य अपाकरणं शिष्टैः स्वीकृतम्। एष एव सदाचारः। उक्तञ्च ऋणं देवानां यागेन ऋषीणां पाठकर्मणा। सन्तत्या पितृलोकांश्च शोधयित्वा वनं ब्रजेदिति। तदेव स्मृत्वा बौधायनधर्मसूत्रवचनम् उद्धृतम्। बह्मचारी द्विविधः, उपकुर्वाणः नैष्ठिकश्च। नैष्ठिको यावज्जीवं गुरुगृहमावसेत्। तदभावे गुरुपुत्रगृहे तदभावे सब्रह्मचारिगृहे इति बहुत्र धर्मशास्त्रेषु प्रतिपादितम्। उपकुर्वाणः पुनः समावर्त्तनादनन्तरं विवाहेन गृहस्थाश्रमं प्रविशेत्। ततश्च पुत्रोत्पादनेन पितृणापाकरणं साध्यम्।

(4a) The words of Jāvāla Smṛti : "In the case of conflict between Śruti and Smṛti it is Śruti that prevails and where

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5. वौधायनधर्मसूत्रम्, (II. 9.16.7)

6. उपलभ्यमानेषु मनुसंहिता संस्करणेषु नायं श्लोकार्धः उपलभ्यते।

there is no conflict Smṛti rites are to be performed according to the Vedic procedure" are to be interpreted in unison with the spirit of Śruti. For he himself has stated that when two mutually conflicting Śruti texts are to be handled both are to be treated as authentic. And this has been explained in the section on Vyavahāra (i.e. Vyavahāra-prakaraṇa of the bigger work *Vyavahāratilaka* whose continuation is this *Dattakatilaka*).

Now is narrated the purpose of having a male issue *(putra)*. On that matter the Veda has "when born, a brahmin contacts three types of indebtedness (and they are thus redeemed) : The indebtedness to the divinities (is redeemed) by rituals, that to the ancestors by begetting sons, that to the sages by Vedic studies. The expression *jāyamāna* (when born) (in the above passage of Baudhāyana) means becoming a householder after performance of Samāvarttana (convocation) for Manu has said "after this—on the performance of Samāvarttana one should take a wife, i.e. entering the stage of householder can be done only after performing the Samāvarttana on the termination of the stage of living in the house of the preceptor (i.e. studentship). Only the Upakurvāṇa brahmacārin (i.e. one brahmin in a state of pupilage who wishes to pass on to the state of a householder—V.S. Apte) on the termination of living in the preceptor's house should enter the householder's stage.

(4a) যাবালবচনে (=জাবালস্মৃতিতে) আছে—"শ্রুতি ও স্মৃতির মধ্যে বিরোধ উপস্থিত হইলে শ্রুতিই বলীয়সী, যদি বিরোধ না থাকে তবে স্মার্ত্ত কার্য বৈদিকাচারানুযায়ী সদা করা উচিত'—ইহাও শ্রুতি অনুযায়ী ব্যাখ্যেয়। কারণ তিনি নিজেই বলিয়াছেন যেখানে দুইটি শ্রুতিবচন পরস্পরবিরোধী সেখানে উভয়ের অনুষ্ঠানই ধর্মসঙ্গত। এই সমস্ত ব্যবহার প্রকরণে (অর্থাৎ ব্যবহারতিলক নামক গ্রন্থে) ব্যাখ্যাত হইয়াছে।

এখন পুত্র উৎপাদনের প্রয়োজনের কথা বলা হইতেছে। এ প্রসঙ্গে শ্রুতি বলেন—জায়মান (অর্থাৎ জন্ম গ্রহণের পর) ব্রাহ্মণ তিনটি ঋণে ঋণী হয়। যজ্ঞের দ্বারা দেবগণের প্রতি ঋণ, ঋষি ঋণ বেদাধ্যয়নের দ্বারা ও পিতৃগণের প্রতি ঋণ (পুত্র) সন্তান উৎপাদনের দ্বারা (মোচন করা যায়)। শ্রুতি বচনস্থ জায়মান শব্দের "সমাবর্ত্তনের পর গৃহস্থ হইয়া" এই অর্থই (গ্রাহ্য)। কারণ মনু বলিয়াছেন 'ইহার

পর সমাবর্ত্তনের শেষে বিবাহ করিবে'। ব্রহ্মচারী অবস্থায় গুরু গৃহে বাস যখন সমাপ্ত হইবে তখনই সমাবর্ত্তন করিয়া গৃহস্থাশ্রমে প্রবেশ হয় বলিয়া উপকুর্বাণ নামক ব্রহ্মচারী-ই বিবাহ করিতে পারে। [নৈষ্ঠিক ব্রহ্মচারী আজীবন ব্রহ্মচর্য পালন করে]। কারণ বিধান আছে যে, উপকুর্বাণ ব্রহ্মচারী-ই গুরুগৃহে বাস সমাপ্ত করিয়া গার্হস্থ্যাশ্রমে প্রবেশ করিবে।—

6. मूलम्

(4B) गृहस्थस्यैव पुत्रद्वारा पितृणापाकरणदर्शनान्नैष्ठिकसन्न्यासिनो नाति प्रसक्तिरिति। यत्तु वशिष्टागस्त्यगोतमादेर्दारसम्बन्धैः पुत्राश्च दृश्यन्ते तथाऽदारस्यापि विभाण्डकस्य[7] मृग्यां पुत्रोत्पादनं दृश्यते तत्तु तेषामादौ (–मादौ) गार्हस्थाश्रमे दारसम्बन्धानन्तरं जाते पुत्रे वाणप्रस्थाश्रमप्रवेशान्न दोषः। विभाण्डकस्य तु भाविदेवकार्यानुरोधेन जानतोऽपि मृग्या प्रस्कन्नरेतः प्राश्चनादमोघवीर्यत्वात् तस्यां पुत्रो जात ऋष्यशृङ्ग इति ऋणमोचनावश्यकत्वादेव। तदावश्यकत्वं विष्णुधर्मेऽपि--देवानाञ्च पितृणाञ्च ऋषीणाञ्च तथा मुने। ऋणवान् जायते यस्मात् (तस्मान् यत्नं चरेत्) सदा[8]।। देवानाम-नृणो जन्तुर्यज्ञैर्भवति नारद। अनल्पवित्तः पूजाभिरूपवासैर्व्रतैस्तथा।। श्राद्धेन प्रजयाचैव पितृणामनृणोभवेत्।।

दीप्तिः

(4b) अतो नैष्ठिकब्रह्मचारिणः पुत्रोत्पादनेन पितृणशोधस्य नापेक्षास्ति। वशिष्ठागस्त्य-प्रभृतीनां वर्णाश्रमव्यवस्थानुयायिनां महर्षीणां विवाहानन्तरम् एव पुत्रा जाताः। राज्ञो दशरथस्य पुत्रेष्टियागार्थमानीत ऋष्यशृङ्गः पुत्रप्रयोजनार्थम् एव अकृतदारेणापि विभाण्डकमुनिना मृग्याम् उत्पादितः। वृत्तान्तोऽयं महाभारतस्य वनपर्वणि वर्णितः।

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7. महाभारतम् (B.O.R.I) III chs. 110-123. वनपर्वणः दशाधिकशततमे अध्याये ऋष्यशृङ्गस्य जन्मकथा वर्णिता।

8. रामायण आदिकाण्डे विभाण्डकमुनिर पुत्र ऋष्यशृङ्गेर दशरथेर निकट आगमनेर कथा वर्णित हइलेओ तांहा जन्मवृत्तान्त महाभारतेर (III. Chp. 110-123) वनपर्वे पाओया याय।

(4b) Since it is seen that a householder can get himself redeemed of his debt to his ancestors the matter is not applicable in the case of those who are called *naiṣṭhika brahmacārin* (or life long celibate). Thus Vaśiṣṭha, Agastya and Gotama got married and got male children and even an unmarried Vibhāṇḍaka produced a son in a doe—it was possible because they first became householders by marriage and when male issues were born they entered the third stage of life by becoming Vānaprastha and hence they had no fault (on their part). In the case of Vibhāṇḍaka, only for the cause of the divinities that had to be fulfilled, to his knowledge his semen was ejaculated and was consumed by a doe and as he had infalliable virility a son was born in her and it was Ṛṣyaśṛṅga—and all this was for the unavoidableness of re-payment of debt. The necessity of that as told in the *Viṣṇu dharma (? Viṣṇupurāṇa)*—is : "Oh sage, since a man becomes debtor to the divinities, his ancestors and sages he is to have a spouse as a rule. Oh, Nārada, a man is released of his debt to the divinities by doing sacrifices, if he is very poor by rituals fasts and other vows. By performing Śrāddha and by begetting male child he is released of his bonds to the manes.

(4b) কেবলমাত্র গৃহস্থই পুত্রদ্বারা পিতার প্রতি ঋণ মোচন করিতে পারে এইরূপ দৃষ্ট হয় বলিয়া নৈষ্ঠিক সন্ন্যাসীর ক্ষেত্রে (পুত্রোৎপাদনের দ্বারা পিতৃ-ঋণ মোচনের এই নিয়মের) অতিব্যাপ্তি হয় না। তবে যে বশিষ্ঠ, অগস্ত্য, গৌতম প্রভৃতির বিবাহ ও তজ্জনিত পুত্র (প্রাপ্তি) দেখা যায় এবং অপত্নীক বিভাণ্ডক ঋষির হরিণীতে পুত্রোৎপাদন (মহাভারতে) দেখা যায় সে বিষয়ে তাহাদের প্রথমে গৃহস্থাশ্রমে প্রবেশ, তাহার পর স্ত্রীসংযোগে পুত্র জন্ম হইলে তদনন্তর বাণপ্রস্থাশ্রমে প্রবেশ করায় কোনও দোষ হয় নাই। আর বিভাণ্ডক মুনির ক্ষেত্রে ভাবী দেব কার্যের জন্য (সকল) জানিয়াও রেতঃস্খলন করায় এবং তাহা কোন মৃগী (নদী সলিলের সহিত) পান করায় তাঁহার অব্যর্থবীর্যতা বশতঃ সেই হরিণীতে তাঁহার পুত্র ঋষ্যশৃঙ্গ[4] জন্মান (এইরূপ বলা হইয়াছে)। পিতার প্রতি ঋণ-এর মোচন আবশ্যক বলিয়া সেই ঋণমোচনের আবশ্যকতার কথা বিষ্ণুধর্মে (? বিষ্ণু পুরাণে?) বলা হইয়াছে, (এইভাবে)—'হে মুনি, যেহেতু দেবগণের প্রতি, ঋষিগণের প্রতি, পিতৃগণের প্রতি, ঋণবান্ হইয়া মানুষ জন্মায় তাই ক্ষেত্র বা পত্নী স্বীকার করা সদা

কর্ত্তব্য'। হে নারদ, প্রাণিগণ যজ্ঞের দ্বারা দেবগণের ঋণ হইতে মুক্ত হয়। যাহারা অতি দরিদ্র তাহারাও পূজা, উপবাস ও ব্রতসমূহের অনুষ্ঠান দ্বারা তাহাই (=ঋণ মুক্ত) হয়। শ্রাদ্ধের দ্বারা ও সন্তানের দ্বারা পিতৃগণের ঋণ মোচন হয়।

7. मूलम्

(5A) ऋषीणां ब्रह्मचर्येण श्रुतेन तपसा तथा इति।। अनल्पवित्तः नास्ति अल्पमपि वित्तं यस्य, दरिद्रोऽपीति यावत् न तु अदरिद्रः। कालिकापुराणेऽपि (89.6) अपुत्रस्य गतिर्नास्ति इति धर्मो विनिश्चितः। औरोसर्भ्रातृपुत्रैर्वा पुत्रवन्तो हि ते स्मृताः [Printed text – स्वर्गताः] इति विवृतिरूपतिष्ठति। श्रुतिरपि[9]–अपुत्राः सन्त्वदनो नापुत्रस्य लोकोऽस्तीति। अदनो अदनशीला राक्षसा इत्यर्थः। तथा "निःसन्ताना पतन्त्यध" इति, "सन्तत्या तपसा चैव मर्यादाभिश्रुतेन वा जायमानास्तु पूर्वे वै पश्चिमानां गृहे तथा।।" इत्यादि भारतीयेषु पुत्रावश्यकत्वं प्रदर्शितम्। पूर्वे प्रवृत्ति मार्गे पश्चिमानां चन्द्रवर्त्मनि वर्त्तमानानां गृहस्थानामिति। मनुयाज्ञवल्क्यौ पुत्रेण लोकान् जयति पौत्रेणानृण्यमश्नुते। अथ पुत्रस्य पौत्रेण ... (मनु 9.137)।

दीप्तिः

(5a) अतः पितुः ऋणमोचनार्थं पुत्रस्य आवश्यकता ऐतरेयब्राह्मणेऽपि (33.2.9) "नापुत्रस्य लोकोऽस्ति इति तत् सर्वे पशवो विदुः" इत्यादिना प्रतिपादिता। पुत्राभावे तिलतर्पणादिकमलब्धा केवलादनशीलराक्षसवत् पितरः चंक्रमन्ति। तेन गृहस्थस्यैव पुत्राणाम् आवश्यकता। गृहस्थो नाम सदारः। लोकानन्त्यं दिवः प्राप्तिरित्यादि याज्ञवल्क्यवचनमपि एतत् परमेव।।

(5a) By celibacy, by Vedic studies and by penance the indebtedness to the sages can be redeemed. The expression

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9. ऐतरेयब्राह्मणम् (33.2.9)। उपलभ्यमानेषु ऐतरेयब्राह्मणसंस्करणेषु "नापुत्रस्य लोकोऽस्ति" इत्येतावन्मात्रस्य दर्शनम्। न जाने कस्याः वेदशाखातः भवदेवेन "अपुत्राः सन्त्वदसः" इत्यंशस्य उद्धारः कृतः। वहुश्रुतः Bloomfield महोदय सङ्कलित – Vedic Concordance ग्रन्थेऽपि नास्य उद्धारः। नापि विश्वबन्धु-शास्त्रि सङ्कलिते वैदिकपदानुक्रमकोषे दृश्यतेऽयम्।

'*analpavittaḥ*' means who does not possess even meagre wealth—i.e, who is very poor—who is not an affluent man. In the *Kālikāpurāṇa* also, (we have) : a sonless man can not move (to the higher world after death), this is the settled precept of Dharma. By one's own son, by a nephew (even) one can be possessor of (the effects of having) a son—this statement will be seen presently. Even in the Veda—let the sonless man be (like) a demon (and) a sonless man has no (higher spiritual) movement. The expression '*adasaḥ*' means *adansīlāḥ Rākṣasā* i.e. demons with the habit of devouring (only) (and) those without male issue fall down (after death). In the *Mahābhārata* also : "By off spring, by penance, by study of the Vedas—those who ever born, who were born and attached to the path of activity etc." (are released of their spiritual debt)—the purpose of having a son is indicated. (In this quotation) '*purve*' means the life of activity and attachment and *paścima* (therefore) means the lunar course (i.e. the life of renunciation)—of householders as such. Manu (9.137) and Yājñavalkya (1.78) : By a son one gains the heavenly region, by a grandson (son's son) eternality (of that gain) and by great grandson (grandson of the son) the solar region is attained (Manu) (acc. to Bhavadeva's text : one gains..... a seat in the Bhavaloka).

(5a) ব্রহ্মচর্যের দ্বারা, বেদপাঠের দ্বারা ও তপস্যার দ্বারা ঋষি-ঋণ শোধ হয়। অনল্পবিত্ত শব্দের অর্থ অতি অল্প বিত্তও যাহার নাই—অর্থাৎ অতিদরিদ্র। অ-দরিদ্র (=ধনী) নয়। কালিকা পুরাণেও আছে—পুত্রহীন লোকের (স্বর্গে) গতি নাই—ইহাই নিশ্চিত ধর্ম। নিজের ঔরস পুত্রের দ্বারা, ভ্রাতুষ্পুত্রের দ্বারা তাহারা (অর্থাৎ লোক) পুত্রবান্ হয় এইরূপ বিধানই এ বিষয়ে উপস্থিত আছে। বেদেও আছে— "পুত্রহীন লোকেরা রাক্ষস সমান হোক, অপুত্রের (মৃত্যুর পর উত্তম) লোক (প্রাপ্তি) হয় না"। শ্রুতিবচনের অদস্ শব্দের (অদ্+অসুন্) অর্থ অদনশীল রাক্ষস। আরও বলা হইয়াছে নিঃসন্তানেরা অধঃপতিত হয়। মহাভারতে—সন্ততি দ্বারা, তপস্যা দ্বারা, মর্যাদা ও বিদ্যার্জনের দ্বারা পূর্বজাতদের—ইত্যাদি বচনের দ্বারাও পুত্রের প্রয়োজন নিরূপিত হইয়াছে। উক্ত বচনে 'পূর্বে' কথাটির অর্থ প্রবৃত্তি মার্গে বর্তমান ও 'পশ্চিমানাম্' শব্দের অর্থ চন্দ্র মার্গে বর্তমান গৃহস্থদের। মনু ও যাজ্ঞবল্ক্য বলেন—পুত্রের দ্বারা স্বর্গাদি লোক সমূহ জিত হয়, পৌত্রের দ্বারা

(জিত) স্বর্গাদিলোকের চিরস্থায়িত্ব হয়। পুত্রের পৌত্রের দ্বারা ব্রহ্মলোকে আসন লাভ করা যায়। (মনু 9.137)[10a]

8. मूलम्

(5B) ब्राह्मं प्राप्नोति विष्टरम्[10]।। लोकानन्त्यं दिवः प्राप्तिः पुत्रपौत्र प्रपौत्रकैः। यस्मात्तस्मात् स्त्रियः सेव्या कर्त्तव्याश्च सुरक्षिताः।। (याजवल्क्य I.78)[20] इत्यादि वचनेषु पुत्रादिभिः स्वर्गतपितृगतविशिष्टफलश्रुतेस्तेषाञ्च दारसम्बन्धेनाविनाभावात् गृहस्थस्यैव पुत्रोत्पादनविधिर्नित्यः। गृहस्थत्वञ्छ गृहैर्दारैः सह तिष्ठति धर्माद्यनुष्ठानं करोतीति गृहस्थः। दारेष्वपि गृहा इति कोषात्। अतएव ''न गृहं गृहमित्याहुर्गृहिणी गृहमुच्यते''[11]।। तयाहि सहितः सर्वान् पुरुषार्थान् समश्नुते[21]इत्युक्तम्। पुरुषार्थान् धर्मादीन्। एवञ्च गार्हस्थाश्रमानन्तरं सदारस्य वनवासेन वानप्रस्थाश्रमी भवति। तदाह मनुः (6.2) गृहस्थस्तु यदा पश्येद् वलीपलितमात्मनः। अपत्यस्यैव चापत्यं तदारण्यं समाश्रयेत्।।

दीप्तिः

(5b) यथोक्तं-- रघुनन्दनस्य उद्वाहतत्त्वेऽपि उद्धृतमेतद् भट्टभाष्यस्मृतिवचनम्। पुत्रोत्पादनात् परम् पौत्रदर्शनस्वास्थ्यभङ्गाद्यनन्तरं सपत्नीको वनं प्रव्रजन् कथं वानप्रस्थी जीवेत् तदेव विशदीकृतं मनुवचनेन वनेषु तु विहृत्यैव इत्यादिना। इथ्यं जीवति पुरुषे पितृणमोचनं सम्भवति। जायमान इति बौधायनवचनस्य गृहस्थः सम्पद्यमान इति द्वैतनिर्णयगृहीतोऽर्थः इति शिरोमणयः।

10a. মুদ্রিত মনুসংহিতায় 9.137 শ্লোকের অন্তচরণ-ব্রহ্মস্যাপ্নোতি বিষ্টপম্—অর্থাৎ সূর্যালোকের প্রাপ্ত হয়।

10. मुद्रितमनुस्मृतिषु प्रायेण "ब्रध्नस्याप्नोति विष्टपम्" इत्येव पाठो दृश्यते। भवदेवीय पाठोऽपि सुतरां सङ्गच्छते।

11. (मनु—3.67)—वैवाहिकेऽग्नौ कुर्वीत गृह्यं कर्म यथाविधिः। पञ्चयज्ञविधानञ्च पक्तिञ्चान्वाहिकीं गृही।। अत्र मेधातिथिः—अत्र गृहशब्दो दारवचनः। गृही तु सत्कृतदारपरिग्रहो भार्याद्वितीय इदमिदं कुर्यात्।
स्मार्त्तभट्टाचार्यस्य उद्वाहतत्त्वेऽपि--अतएव भट्टभाष्ये स्मृतिः -- न गृहं गृहमित्याहुः गृहिणी गृहमुच्यते...।

(5b) Since a place in the heavenly region (after death), its eternality can be achieved by son, grandson and great grandsons, wives should be procured and they are to be maintained dutifully. As in such utterances it is heard that special spiritual merit accrues to the departed forefathers by sons, and that is not possible without wife—it is only for the householder that the custom of having/raising sons is compulsory. Householdership means living with wife (*gṛha-dāra* or wife) and performing religious duties. In the lexicons the word *gṛha* is taken as a synonym of wife. Therefore the saying (goes)—'A *gṛha* is not house but the wife is the house. In association with her (performing duties) a man acquires the *puruṣārthas* (aims of life, *dharma, artha, kāma, mokṣa*). Here the word '*puruṣārthān*' means (aims of life like) *dharma* etc. In this way after the householder's stage a man enters the third stage of life by entering the forest with his wife. Therefore Manu (6.2) has said "when the householder detacts his aging in the form of gray hairs and loosened skin and the children of his children he should retire to the forest.

(5b) যাজ্ঞবল্ক্য (1.78) (বলেন)—যেহেতু পুত্র, পৌত্র, প্রপৌত্র দ্বারা ইহলোকে বংশরক্ষা ও অগ্নিহোত্রাদির দ্বারা (পরলোকে) অনন্তকাল স্বর্গপ্রাপ্তি হয় অতএব সন্তানার্থ স্ত্রীসম্ভোগ ও ধর্মার্থ তাহাদের রক্ষা করণীয়। এই বচনের দ্বারা স্বর্গত পিতৃপুরুষের বিশিষ্ট ফললাভ শ্রুত হয় বলিয়া এবং (বিবাহ দ্বারা) দায়সম্বন্ধ ভিন্ন তাহারা (=পুত্র) উৎপন্ন হইতে পারে না বলিয়া গৃহস্থের পুত্রোৎপাদন অবশ্য কর্ত্তব্য। গৃহস্থত্ব অর্থাৎ গৃহ বা দারের স্ত্রীর সহিত বাস করিয়া যে ধর্মীয় আচরণ করে সে গৃহস্থ। কোষ গ্রন্থে গৃহ শব্দের দ্বারা স্ত্রীকেও বোঝায়। সেই জন্য "গৃহকে গৃহ বলে না, গৃহিণীকে বলে গৃহ, তাহার সহিত মিলিতভাবে সকল পুরুষার্থ লাভ করে" এইরূপ বলা হইয়াছে। পুরুষার্থ শব্দের অর্থ ধর্ম প্রভৃতি (ধর্ম, অর্থ, কাম, মোক্ষ)। এইরূপে গৃহস্থাশ্রমের পরে সস্ত্রীক বনে যাইয়া বানপ্রস্থাশ্রমী হয় (লোকে)। তাই মনু বলেন—(6.2) গৃহস্থ নিজের শুক্লকেশ, লোলচর্ম এবং অপত্যেরও অপত্যমুখ যখন দেখিবে তখন বনগমন করিবে।

9. मूलम्

(6A) सन्त्यज्य ग्राम्यमाहारं सर्वञ्चैव परिच्छदम्। पुत्रेषु भार्यां निक्षिप्य वनं गच्छेत् सहैव वा (मनु 6.3)॥[23] वनेषु तु विहृत्यैवं तृतीयं भागमायुषः। चतुर्थम् आयुषो भागं सङ्गं त्यक्त्वा परिव्रजेत्॥[24] (मनु 6.33)॥ ऋणानि त्रीण्यपाकृत्य मनो मोक्षे निवेशयेत्। अनपाकृत्य मोक्षन्तु सेवमानो व्रजत्यधः॥[25] (मनु 6.35) भागं प्राप्येत्यनुषङ्गः परिव्रजेत्। चतुर्थाश्रमं प्रविशेत् मोक्षं सन्न्यासम्। याज्ञवल्क्योऽपि सुतविन्यस्त पत्नीकस्तथावानुगतो वनम्। वानप्रस्थो ब्रह्मचारी साग्निः सोपानहो व्रती[26] (सोपासनो व्रजेत्)॥ (याज्ञवल्क्य 3.45)॥ अधीतवेदो जपकृत् पुत्रवानन्नदोऽग्निमान्। शक्त्या तु (-च) जप (यज्ञ) कृन्मोक्षे मनः कुर्यात्तुनान्यथा॥[27] (याज्ञ 3.57)॥ मोक्षे सन्न्यासे। आज्यां गृहीतदारस्य पुत्रोत्पादनद्वारा ऋणापनोदनोत्तरं पत्न्या सह वनवासाद्वानप्रस्थत्वमभिहितम्। एवञ्च जायमानो ब्राक्षण इति तु वर्णान्तरमप्युपलक्षयति। ऋणमोचनाया--

दीप्तिः

(6a) एष धर्मश्च सर्वेषां ब्राह्मणादीनाम्। अनिषिद्ध त्रैवर्णिकापरे श्राद्धादौ शूद्रस्यापि अधिकारः। शूद्राणां कृते न तु चतुराश्रमव्यवस्था, केवलं गार्हस्थाश्रम एव तेषां विहितः। श्राद्धादिकस्य च गृहस्थैरेव विधेयत्वात् शूद्रैरपि श्राद्धं विधेयम्। क्षत्रियविशोन्तु वानप्रस्थेऽधिकारः न तु ब्राह्मणवत् सन्न्यासधर्मेऽपि। अतो महाभारते धृतराष्ट्रस्य वानप्रस्थावलम्बनम् पुत्रोत्पादनमपि नित्यकर्म, अकरणे प्रत्यवायात्। किन्तु नहि तत् सन्ध्यावन्दनादिवत् आवश्यकत्वेन निर्धारितम्। तदकरणे धर्महानिः प्रसज्येत।

(6a) Abstaining from all the edibles available in (human habitations like) village and discarding all the garments (and personal effects) and giving to the sons the task of maintaining the wife (i.e. their mother) or with her even, the householder may retire to the forest. Passing in this way the third part (quarter) of the life in the forest—one may become a mendicant giving up company (of the wife or giving up all *nandana* attachment) in the fourth part (=quarter) of life. Without redeeming the three debts, one aspiring after emancipation goes down. In the quoted verses (from Manu) the word '*bhāgam*' (in the accusative) is to be construed with

the word "*prāpya*" (getting) understood here. '*pariwrajet*' means 'should embrace the fourth stage of life'. '*mokṣa*' here means '*sannyāsa*' (mendicancy). Yājñavalkya also (has)— keeping the wife in the care of the sons (for maintenance) or accompanied by her, the *vānaprastha* (the man in the third stage of life) observing restraint of organs may adopt the fourth stage carrying the sacrificial Gārhapatya fire.

After reading the Vedas and performing *japa* the householder who has a son, who gives food to the hungry and deserved and who possesses the sacrificial fire after muttering the mantras to his ability should apply mind to emancipation and should not behave otherwise (and so on). '*mokṣe*' in the quotation means '*sannyāse*' (i.e. in the fourth stage of life). By these two verses it said that a man who has taken a wife and has redeemed his debt to the manes by giving birth to a male child may go to the forest with his wife and adopt the '*Vānaprastha*' stage. In this way the expression '*jāyamāna brāhmaṇaḥ*' etc. indicates the two other castes also.

(6a) গ্রামলভ্য আহারাদি ও সকল বেশভূষা পরিত্যাগ করিয়া পুত্রদের উপর স্ত্রীর (অর্থাৎ তাহাদের জননীর) ভার সমর্পণ করিয়া অথবা স্ত্রীর সহিতই বনে যাইবেন। এইভাবে জীবনের তৃতীয় ভাগ বনে যাপন করিয়া চতুর্থভাগে লোকসঙ্গ (অথবা সকল আসক্তি) পরিত্যাগ করিয়া পরিব্রাজক (যতি) হইয়া কাল যাপন করিবেন। ত্রিবিধ ঋণ শোধ করিয়া মোক্ষাভিলাষী হইবেন। ঋণ শোধ না করিয়া মোক্ষসাধনেচ্ছু অধঃপতিত হইবেন। 'ভাগস্থ' অর্থাৎ 'ভাগং প্রাপ্য' এইরূপ সন্ন্যাস 'পরিব্রজেৎ' অর্থাৎ চতুর্থাশ্রমে প্রবেশ করিবে। মোক্ষ অর্থাৎ সন্ন্যাসাশ্রম।

যাজ্ঞবল্ক্যও বলেন (3.45) বনে যাইতে ইচ্ছুক হইলে পত্নীকে পুত্রের হস্তে ভরণপোষণার্থ অর্পণ করিয়া বনে যাইবেন। কিন্তু যদি পত্নী সহগমন করিতে চাহেন তবে তাঁহাকেও সঙ্গে লইয়া বনবাস কালে ঊর্দ্ধরেতাঃ হইবেন ও যজ্ঞিয় অগ্নি ও গার্হপত্য অগ্নি সঙ্গে লইবেন।

বেদাধ্যয়ন করিয়া, মন্ত্রজপ পূর্বক, পুত্রবান্, বানপ্রস্থী, যাচক ক্ষুধার্ত্তকে অন্ন দান করিয়া যথোচিত অগ্নিকার্য পূর্ব্বক যথাশক্তি জপসাধন দ্বারা মনকে মোক্ষলাভের বিষয়ে নিযুক্ত করিবেন। ইহার অন্যথা করিবেন না (যাজ্ঞ 3.57)। মোক্ষে অর্থাৎ সন্ন্যাসে। এই দুইটি শ্লোকের দ্বারা বিবাহিত, গৃহী পুত্রোৎপাদনের দ্বারা পিতার ঋণ মোচন করিয়া পত্নীর সহিত বনবাস করিবেন অর্থাৎ বানপ্রস্থী হইবেন ইহা বলা

হইয়াছে। এইভাবে ব্রাহ্মণ জন্মাইয়া তিনটি ঋণে পতিত হন—এই বচনে ক্ষত্রিয়াদি অন্য বর্ণের কথাও উপলক্ষণের দ্বারা বলা হইয়াছে।

10. मूलम्

(6B) (ऋणमोचनाया) आवश्यकत्वात् गार्हस्थेष्वेव शूद्रस्य सर्वधर्म्मार्थसाधक-मित्युक्तत्वात्[12] अनिषिद्धत्रैवर्णिकाचारवर्त्तित्वेन शूद्रस्य श्राद्धादिकमव्याहतम्। श्रत्रियविशोस्तु सन्न्यासेऽनधिकारात् वानप्रस्थाश्रमेऽपि तयोरधिकार इति वक्ष्यते। एवञ्च गृहस्थः पुत्रमुत्पादयेत् इति विधिर्नित्योऽपि न खलु सन्ध्यामुपसीतेतिवत् क्लप्तः। यत्रतोऽपि परिप्राप्तदारस्य दैवात् पुत्रोत्पादनाभावान्महादोष-प्रसङ्गादिति। एवं गृहस्थस्य पुत्रोत्पादनावश्यकत्वात् यत्र सन्तति-प्रतिबन्धकीभुत दुरदृष्टवशात् पुत्रानुत्पत्तिस्तत्र मनुना[13] (9.103) आपद्य पत्यप्राप्तिश्चेत्यनेन पुत्रोत्पत्त्यु-पायमभिधाय प्रतिबन्धस्य वलवत्तया अनुत्पत्तौ तत्प्रतिनिधित्वेन क्षेत्रजादिकमुपन्यस्ताम्। ''क्षेत्रजादीन् सुतानेतानेकादश यथोचितान्। पुत्रप्रतिनिधीनाहुः क्रियालोपान्मनीषिणः। (मनु 9.180)।। तथा बृद्धबृहस्पतिः[14] -- यज्ञार्थिनो (? यज्ञार्थिना) यथा तैलं सर्पिः प्रतिनिधीकृतम्। तथैकादशपुत्रास्तु पुत्रिकौरसयोर्विना। इति।।

दीप्तिः

(6b) उक्तं हि पिण्डोदकादि प्रेतक्रियाः पुत्राभावे पत्न्यापि निर्वाह्यन्ते किन्तु पार्वणपिण्डदाने पत्न्याः अनधिकारात् पार्वणपिण्डलोपापत्तेः पुत्राणामावश्यकता। एवञ्च पुत्राणामावश्यकतायां सत्यां यदि रोगवशात् अथवान्यथा-दुरदृष्टवशात् पुत्रोत्पत्तिः प्रतिरुद्धा तदापत्कालेऽपि पुत्रलाभव्यवस्था मनुना विहिता। तादृशापत्काले औरसपुत्राभावे क्षेत्रजपुत्राणां प्रतिनिधित्वं स्वीकृतम्। तच्च प्रतिनिधित्वकल्पनं शास्त्रकारान्तरेणापि स्वीकृतं बृद्धबृहस्पत्यादिना। घृताभावे तैलेनापि कार्यसिद्धिः। सोमयागे च सोमलतायाः अधुनालभ्यत्वात् पुत्रिकाद्वारेनैव तन्निर्वाहो यथा तद्वत्

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12. ''गार्हस्थमेकं शूद्रस्य सर्वधर्मार्थसाधकम्'' वचनमेतत् पुनर्मानवादौ न लब्धम्।

13. एष स्त्रीपुंसयोरुक्तो धर्मो वो रतिसंहितः। आपद्यपत्यप्राप्तिश्च दायभागं निवोधत।। मनु 9.103

14. आज्यं विना यथा तैलं सद्भिः प्रतिनिधीकृतम् तथैकादशपुत्रास्तु पुत्रिकौरसयोर्विना।। इति दत्तकचन्द्रिकाधृतबृहस्पतिवचनम्।। दत्तकचन्द्रिका पृः 6 (सं भरतशिरोमणि)

द्वादशपुत्रेषु औरसपुत्रिकापुत्रौ वर्जयित्वा अन्येषां पुत्रप्रतिनिधित्वं स्वीकृतम्। न चात्र व्रीहिभिर्यजेत यवैर्वा यजेत इत्यादौ यथा तुल्यवलयोर्व्रीहियवयोः विकल्पस्तथा औरसपुत्रिकापुत्रयोः क्षेत्रजादेश्च तुल्यवलत्वस्वीकारः।

(6b) Since redemption of the debt is obligatory and since it is said that "householdership is the only means of observing all religious duties for a Śūdra", funeral rites, being included in the list of religious customs of the three castes (but) not forbidden (for a Śūdra) can be performed by them. For the Kṣatriyas and Vaiśyas—the fourth stage is forbidden and they have right to adopt the third stage and this will be told later.

Thus "the householder shall procreate a son" is a compulsory duty but not as obligatory as "muttering of daily prayers" (non-performance of which entails sin). Because in that case—when even after efforts, if a son is not born to the householder great sin clings to the party concerned. So, when for a householder, having a son is compulsory, but in cases where obstacles caused by misfortune prevent the birth of a male child, Manu while saying "procuring son in case of difficulty" narrated the means of having sons (and) where the obstacles to getting a son are more powerful and a son is not born, Kṣetraja and other types of sons have been enumerated as representatives of the (unborn/natural) son. Wise men have taken these eleven types of sons viz. Kṣetraja etc. as narrated in order as representatives of the (natural) son to prevent the non-performance of rites (like Śrāddha)—Manu 9.180. Vṛddha Bṛhaspati too— "Just as ritualists take oil as the substitute (in the absence) of butter oil—in the same way eleven types of sons are to be taken in the absence of *aurasa* (natural son) and *putrikāputra* (daughter's son admitted as son)."

(6b) ঋণ মোচনটি আবশ্যক বলিয়া—"শূদ্রের একমাত্র গার্হস্থ্য-ধর্ম পরিপালনই সর্বধর্ম প্রয়োজন সাধক" এইরূপ উক্ত হওয়ার জন্য ও (শূদ্রের পক্ষে) অনিষিদ্ধ ত্রৈবর্ণিক আচার-এর অন্তর্ভুক্ত হওয়ায় শূদ্রের পক্ষে শ্রাদ্ধাদি ক্রিয়া নিষ্পাদন চলিতেই পারে। ক্ষত্রিয় ও বৈশ্যের কিন্তু সন্ন্যাসে অধিকার না থাকায় বানপ্রস্থে তাহাদের অধিকার আছে ইহা বলা হইবে।

এইরূপে "গৃহস্থ পুত্রোৎপাদন করিবে" এই বিধি নিত্য হইলেও "সন্ধ্যোপাসনা করিবে" এই বিধির মত অকারণে প্রত্যবায় জনক নিত্য বিধি নহে।

কারণ তাহা হইলে বিবাহিত লোক চেষ্টা করিয়াও যদি দৈববশতঃ পুত্রোৎপাদন না হয় তখন (বিবাহিত পুরুষের) মহাদোষ আসিয়া পড়ে। এইরূপ গৃহস্থের পুত্রোৎপাদন আবশ্যক হইলেও যেখানে পুত্র জন্মের বাধক দুরদৃষ্ট বশতঃ পুত্রোৎপাদন হয় না সেখানে মনু (9.103) "আপৎকালে পুত্র প্রাপ্তি" ইত্যাদি বচনের দ্বারা পুত্রোৎপাদনের কথা বলিয়া (যেখানে) পুত্রোৎপাদনের বাধা অধিক বলশালিনী (সেখানে) পুত্রজন্মাভাবে সেই (অজাত ঔরস) পুত্রের প্রতিনিধিরূপে ক্ষেত্রজাদি পুত্রের কথা বলিয়াছেন (এইরূপে)—ক্ষেত্রজ প্রভৃতি একাদশ পুত্র যাহাদের কথা বলা হইয়াছে—তাহাদের মনীষীগণ, শ্রাদ্ধাদি ক্রিয়ালোপকরণের জন্য পুত্র প্রতিনিধি বলিয়াছেন। (মনু 9.180)। বৃদ্ধবৃহস্পতিও (বলেন)— যাজ্ঞিকগণ যেমন (ঘৃতের অভাবে) তৈলকে ঘৃতের প্রতিনিধি করিয়াছেন তদ্রূপ পুত্রিকাপুত্র ও ঔরসপুত্রের অভাবে একাদশ পুত্রকে প্রতিনিধি (বলা যায়)।

11. मूलम्

(7A) एवं हि नित्ये च विधौ मुख्यालाभे प्रतिनिधेः शास्त्रार्थत्वात् सोमाद्यलाभे पूतिकाद्युपादानवत् पुत्रानुकल्पविधानम्। न खलु यवव्रीहिवत् ऐच्छिकोविधिर्येन चौरसदत्तकयोस्तुल्यता स्यात्। तुल्यत्वे सति विकल्पावसरः तुल्यवलविरोधे हि विल्कल्पः इति जैमिनीय[15] सूत्रात्। न चात्र तुल्यवलत्वं घटते। "औरसे पुत्र उत्पन्ने तेषु जेष्ठ्यं न विद्यते"। "पुत्रिकौरसयोर्विना", 'पुत्रं प्राथमकल्पिकम्' क्षेत्रजादीन् प्रतिनिधीनाहूरित्याद्युक्तेः। मध्वभावे गुडप्रतिनिधित्वेन गुडग्रहणाभिधानं न तथा गुडाभावे मधुग्रहणमभिहितम् अनुकल्पत्वात्। विकल्पो हि स द्विको व्यवस्थितः। व्यवस्थित एवानुकल्पत्वेनाभिहितं विकल्पन्याये व्यक्तमत्र। प्रपञ्चितमिदं व्यवहारप्रकरणे।। कलौ च पुत्रप्रतिनिधित्वेन दत्तकमात्राभिधानात् पर्युदस्तेतरत्वेनादित्यपुराणादावभिहितम्। यथादित्यपुराणम्---

दीप्तिः

(7a) गौतमधर्मसूत्रे (1.5) कथितं 'तुल्यवलविरोधे विकल्पः'। भवदेववचनानुसारम्

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15. गौतमीयसूत्रात्—इति हि वाच्यम्। यथाह गौतमः- तुल्यवलविरोधे विकल्पः (गौतमधर्म सूत्र I.5.)

एतद् जैमिनीयं वचनम्। वस्तुतस्तु न तथा। मन्ये लिपिकरप्रमाद एवात्र कारणम्। अथवा—तुल्यवलविरोधे विकल्पः इत्याकारकं सूत्रं मीमांसासूत्रेषु नास्माभिर्दृष्टम्। किन्तु मीमांसासूत्राणां दशमाध्यायस्य अष्टमपादीय तृतीयेऽधिकरणे-कुत्र नञः पर्युदासता कुत्र वा प्रसज्यप्रतिषेधार्थता तद्विषये विवेचनस्य अयं सिद्धान्तः। यत्र शास्त्रेण विहितस्य शास्त्रद्वारेणैव प्रतिषेधो विहितः तत्र विकल्पो विधेयः इति। तत्र द्वयोरेव तुल्यवलत्वम् अपेक्षितम्। यथा अतिरात्रे षोडशिनं गृह्णाति, नातिरात्रे षोडशिनं गृह्णाति इति द्वयोरेव विधिनिषेधमूलक-वेदवाक्ययोः तुल्यवलता। द्वयोरेव प्रामाण्यं विकल्पस्वीकारेण ऊहणीयम् इति संक्षेपः।

किञ्च विकल्पेऽपि दोषसद्भावः--प्रमाणत्वाप्रमाणत्वपरित्यागप्रकल्पनात्। तदुज्जीवनहानाभ्यां विकल्पे अष्टदोषता।। इति वचनात्।। अतोऽत्र प्रस्तुते विषये तुल्यवलत्वं न मन्तव्यम्। कारणं तत्र एवम्। यथा प्रथमं पुत्राभावे क्षेत्रजादयः पुत्राः स्वीकृताः। तदनु औरसो जायते चेत् तादृशस्य औरसस्य ज्येष्ठत्वम् अंगीकृतम्। अत्रेदम् अवधेयम्। घृताभावे तैलम्। नतु तैलाभावे घृतम्। सोमाभावे पूतिका, नतु पूतिकाभावे सोमः, ब्रीह्यभावे यवः, नतु यवाभावे ब्रीहिः। तद्वत् औरसाभावे दत्तकः- न तु दत्तकाभावे औरसः औरसस्य प्राधान्यात्। तुल्यवलयोरेव विकल्पव्यवस्थानात्। विकल्पशब्दस्य अत्र अनुकल्परूपेण ग्रहणम्। अत्र मीमांसासूत्रानां विकल्पाधिकरणमनुसन्धेयम्। व्यवहारप्रकरणं मन्ये भवदेवीय-व्यवहार तिलकनामाणां अधुनालुप्तं ग्रन्थं बोधयति।

(7a) Since the '*vidhivākya*' (the injunctive statement) is obligatory and in the absence of the principal article a substitute is allowed by scriptures, the substitute of a natural son is sanctioned in the way *Pūtikā* plant is used in lieu of the Soma plant. But this interchangeability (of the natural son and other sons) is not optional like that of *yava* and *vrīhi* (barley & paddy) – because in that case the natural son and the adopted son will get equal status. For Jaimini[16] has said that in the case of conflict between equally viable propositions optionality is allowed. And here the equality of status (of the different types of sons) is not applicable. For these are statements like when an *aurasa* son is born (after the adoption of different types of secondary sons) the seniority

16. In fact it is stated in the Gautama Dharmasūtra. For details see the Sanskrit commentary *Tilaka-dīpti*.

of them does not come into force 'excepting the *putrikāputra* and the *aurasa putra*', 'Kṣetraja and others are substitutes/ surrogates', "(*aurasa* son is) the son of the primary type i.e. the real son" etc. etc. In the absence of *madhu* (honey) *guḍa* (molasses) has been prescribed but not the *vice versa*. In fact *vikalpa* (option) stands on two (equal) sides. In the context of option the question of *anukalpa* (substitute—of a lower status) has been fixed and this has been elaborated in the section on Vyavahāra.

In the *Ādityapurāṇa* only the adopted son has been taken as substitute of the natural son and the case of other types of (secondary) sons (as substitute of the primary one) has been dismissed (in the Kali Era). Thus in the *Ādityapurāṇa* (we have the following enumeration of customs prohibited in the Kali Era) :

(7a) বিধিবাক্যটি অবশ্য পালনীয় তাই মুখ্য দ্রব্যের অভাবে তাহার প্রতিনিধি দ্বারা কার্য সাধন শাস্ত্র বিহিত বলিয়া, সোমলতার অভাবে পুতিকার (=পুঁইশাক) দ্বারা গ্রহণের মত (ঔরস বা মুখ্যপুত্রের অভাবে) পুত্রের অনুকল্পের কথা বলা হইয়াছে। কিন্তু এই প্রতিনিধিবিধি যবের পরিবর্তে ব্রীহি গ্রহণের ঐচ্ছিক বিকল্পের নয় (তাদৃশ বিকল্পে আট প্রকার দোষের কথা বলা হইয়াছে)। যেহেতু বিকল্প স্বীকার করিলে ঔরসপুত্র ও দত্তকপুত্রের তুল্যতা আসিয়া যায়। তুল্যত্ব থাকিলে (তবেই) বিকল্পের প্রসঙ্গ আসে। কারণ জৈমিনিসূত্রে বলা আছে যে তুল্যবলের মধ্যে বিরোধ হইলেই বিকল্প হয় [বস্তুত: ইহা জৈমিনির বচন নয়। গৌতমধর্মসূত্রে (I.5.) বলা হইয়াছে যে, তুল্যবলবিরোধ হইলে বিকল্প গ্রাহ্য। অবশ্য মীমাংসা সূত্রে এতাদৃশ বচনের সমর্থক আলোচনা আছে—যাহা দীপ্তি টীকায় সংক্ষেপে বলা হইয়াছে]। এবং এই স্থলে ঔরস ও দত্তকপুত্রের তুল্যবলত্ব নাই। (কারণ) 'দত্তকপুত্র গ্রহণ করার পর ঔরসপুত্র জন্মাইলে দত্তকের জ্যেষ্ঠতা থাকে না'; পুত্রিকাপুত্র ও ঔরসপুত্র ভিন্ন (অন্য পুত্রেরা পুত্রপ্রতিনিধি)।। 'পুত্রিকাপুত্র ও ঔরসপুত্র ব্যতীতঅন্য যাহারা ক্ষেত্রজাদিপুত্র তাহাদের পুত্র প্রতিনিধি বলা হইয়াছে'। 'ঔরস পুত্রই (প্রকৃতপক্ষে) মুখ্যপুত্র'—এইরূপ বলা হইয়াছে। মধুর অভাবে গুড়কে প্রতিনিধিরূপে গ্রহণ করার কথা বলা হইয়াছে কিন্তু গুড়ের অভাবে মধুগ্রহণের কথা বলা হয় নাই কারণ, তাহা (= গুড়) অনুকল্প (আপেক্ষিকভাবে গৌণকল্প গৌণ)। কারণ বিকল্প দুই (তুল্যবল) পক্ষকে অবলম্বন করিয়া থাকে। এক্ষেত্রে অনুকল্প বা গৌণকল্পই নির্দিষ্টরূপে বিহিত হইয়াছে। তাহা

বিকল্প প্রসঙ্গে বলা হইয়াছে। ইহা ব্যবহার প্রকরণে বিশদ বলা হইয়াছে। কলিকালে পুত্রপ্রতিনিধিরূপে কেবল দত্তক পুত্রকেই স্বীকার করায় অন্য পুত্রদের প্রসঙ্গ দূরীভূত হওয়া আদিত্যপুরাণ (আদি) গ্রন্থে বলা হইয়াছে। যথা আদিত্য পুরাণে—

12. मूलम्

(7B) दीर्घकालं ब्रह्मचर्यं धारणञ्च कमण्डुलोः।
देवारण सुतोतपत्तिर्दत्ता कन्या प्रदीयते ॥३२॥

कन्यानामसवर्णानां विवाहश्च, द्विजातिभिः।
आततायिद्विजाग्र्यणां धर्मयुद्धविहिंसनम् ॥३३॥

वानप्रस्थाश्रमस्यापि प्रवेशो विधिचोदितः।
वृत्तस्वाध्याय सापेक्षमद्यसङ्कोचनं तथा ॥३४॥

प्रायश्चित्तविधानञ्च विप्राणां मरणान्तिकम्।
संसर्गदोषः पापेषु मधुपर्के पशोर्वधः॥३५॥
दत्तौरसेतरेषान्तु पुत्रत्वेन परिग्रहः।
शूद्रेषु दानगोपाल कुलमित्रार्धसीरिणाम् ॥३६॥

भोज्यान्नता गृहस्थस्य तीर्थसेवातिदूरतः।
ब्राह्मणादिषु शूद्रस्य पक्कतादि क्रियापि च ॥३७॥

भुस्वग्निपतनञ्चैव बह्न्यादिमरणन्तथा। इत्याद्यभिधाय-- एतानि लोकगुप्त्यर्थं कलेरादौ महात्मभिः। निवर्त्तितानि कर्माणि व्यवस्थापूर्वकं वुधैः[17]। समयश्चापि साधूनां-

दीप्तिः

(7b) आदित्यपुराणे अन्यत्र च कलिवर्ज्यानां परिगणनमस्ति। यथा अतिदीर्धकालं

17. महामहोपाध्याय पाण्डुरङ्गवामन काणे महोदयेन स्वकीये धर्मशास्त्रेतिहासग्रन्हे तृतीयखण्डे (पृः 926-968) पञ्च पञ्चाशत् संख्याकानां कलिवर्ज्यानां आचाराणां संग्रहः कृतः। ततोऽपि प्राक् प्राध्यापक वटुकनाथ भट्टाचार्य महोदयेन 'कलिवर्ज्यम्'--नामकं पुस्तकं व्यरचि, स्मार्त्तभट्टाचार्यस्य उद्वाहतत्त्वे-- (Sans. cou. Edn. 1963) पृः 8-9 कलिवर्ज्यानि वृहन्नारदीयम् नामक (पुराण) ग्रन्हात् उद्धृतानि।

व्याप्य ब्रह्मचर्य पालनम् (१)। सर्वदैव सलिलपूर्ण-कमन्डलुवहनम्- येन अन्यस्य उदकस्य अपेक्षा न स्यात् (२)। देवरस्य अभावे सगोत्रस्य पुत्रोत्पादनार्थं नियोगः (३)। परिणीतानां बालानां पुनर्विवाहः किमयं पुनः विधवाविवाहः? (४)। असवर्णविवाहः ब्राह्मणक्षत्रियवैश्यकर्तृकः (५)। धर्म्ययुद्धेऽपि आततायिरूपेणागतस्य विप्रस्य वधः (६)। शास्त्रानुसारं वानप्रस्थावलम्बनम् (७)। अस्मात् हि ज्ञायते यत् कलौ चतुराश्रमव्यवस्था नावलम्बनीया। पुरूषाणां वेदज्ञानानुसारं तथा जीवनचर्यानुसारं अशौचकालसंक्षेपणम् (८)। ब्राह्मणानां तादृक् प्रायश्चित्तविधानं येन मरणमपि भवेत् (९)। पातकिभिः संसर्गैः पातकित्वम् (१०)। मधुपर्के सम्मानितातिथीनां कृते पशुहननपूर्वकं मांसदानम् (११)। ब्राह्मणगृहस्थेन--शूद्रकुलोत्पन्ने गृहचतुष्टये यथा-गृहदास-गृहगोपालक—कुलमित्रगृहे तथा कर्षणलब्धधान्यादेः अर्धभागग्राहके कर्षकगृहे अन्नादिभोज्यग्रहणम् (१२)। अतिविप्रकृष्टे देशे तीर्थयात्रा (१३)। दत्तौरसव्यतिरिक्तानां पुत्रत्वेन स्वीकारः (१४)। ब्राह्मणगृहे शूद्रस्य पाकक्रियादिसम्पादनम्। (१५)। जलाग्निभृगूनां पातः आत्महननार्थम्—तेन च धर्मलाभार्थम् (२६)।– इत्येते अन्ये च आचाराः कलौ प्रतिषिद्धाः। वस्तुतस्तु एतद्विन्याय्यम्। भगवता मनुनापि कथितम्—"अन्ये कृतयुगे धर्मास्त्रेतायां द्वापरेऽपरे। अन्ये कलियुगे नृणां युगह्रासानुरूपतः (1. 8.5)। तदर्थं दिङ्मात्रप्रदर्शनमपि तत्रभवता भगवताकृतमित्थं- तपः परं कृतयुगे त्रेतायां ज्ञानमुच्यते। द्वापरे यज्ञमेवाहुर्दानमेकं कलौ युगे"।। इति (1. 86)।। अतः शुध्येद् विप्रोदशाहेन द्वादशाहेन भुमिकाः इत्याद्युक्ताशौचानां संक्षेपणं न प्रचलेत्। (मनु 5.83)। नापि मरणं निश्चित्य तीर्थगमनं कलौ विधेयम्।

(7b) "Brahmacarya for a long period (1); Carrying a jar of water (2); Appointing the husband's brother (or a *sagotra* and the like) to raise children in the wife of a sonless man (3); Remarriage of girls once given in marriage (i.e. widow-remarriage?) (4); intercaste marriage by the Brahmins etc. (5); Slaying a brahmin who comes as an assassin in a properly conducted fight (6); Entering on the stage of forest hermit as laid down in the scriptures (7); Curtailment of the period of impurity in consideration of the Vedic learning and the mode of life of a man (8); Prescribing death as the penance for brāhmins (9); Pollution through contact with sinners (10); Offering flesh by killing animals to an honoured guest in *Madhuparka* (11); Acceptance of several kind of secondary sons other than the Dattaka for the Aurasa sons (12); Allowing

a brahmin householders to eat food at the houses of four classes of people among the Śūdras, viz. his slave, his cowherd, his hereditary family friend and one who cultivates his fields on the basis of paying a half or other portion of the produce to him (13); Pilgrimage to very distant holy places (14); The engagement of a Śūdra for domestic chores like cooking etc. in the house of a brāhmin and the rest (15); Suicide (of very old or diseased people) by falling into fire or from a precipice (16)." – Enumerating these and such others (it is told at the end) – "for the protection of the people wise sages have laid down the prohibition of such practices in the Kali Era." And the usages of the noble are –

(7b) দীর্ঘকাল ধরিয়া ব্রহ্মচর্য পালন, সন্ন্যাসীর মত জলপূর্ণ কমণ্ডলু বহন, দেবর (বা সগোত্র প্রভৃতির) দ্বারা (ক্ষেত্রজবিধি অনুযায়ী) পুত্রোৎপাদন, একবার প্রদত্ত কন্যাকে পুনরায় দান (বিধবা বিবাহ, পুনর্ভূবিধি?), ব্রাহ্মণ প্রভৃতির অসবর্ণ বিবাহ, আততায়ী ব্রাহ্মণশ্রেষ্ঠদের ধর্মযুদ্ধে হত্যা, শাস্ত্রানুযায়ী বানপ্রস্থাশ্রম গ্রহণ সংশ্লিষ্টব্যক্তির বেদজ্ঞান ও জীবনচর্যানুযায়ী প্রায়শ্চিত্ত সংক্ষেপ, ব্রাহ্মণের মরণান্ত প্রায়শ্চিত্ত, পাপকারীদের সহিত সংসর্গজাত দোষ-এর পরিগণন, প্রাণিহত্যা করিয়া মধুপর্কে মাংসদান, দত্তক ও ঔরসভিন্ন অন্য পুত্রদের পুত্ররূপে স্বীকার, শূদ্রদের মধ্যে দাস, গোপাল, কুলমিত্র ও উৎপন্নশস্যের অর্ধভাগ ক্ষেত্রস্বামীকে প্রদানকারী অর্ধসীরী কৃষকদের গৃহে অন্নগ্রহণ, গৃহস্থের অতিদূরদেশে তীর্থযাত্রা, ব্রাহ্মণদের জন্য শূদ্রদের অন্নপাকাদি ক্রিয়ায় নিযুক্তি, আত্মহত্যার জন্য ভৃগু পতন-বহ্নিগমন—প্রভৃতি বলিয়া—কলিযুগে লোকরক্ষার জন্য মহাপুরুষ মনীষিগণ যথাবিধি ব্যবস্থাদান করিয়া উক্ত কর্ম সকলকে নিষিদ্ধ করিয়া গিয়াছেন।। শিষ্ট জন প্রবর্ত্তিত নিয়মও বেদের মত প্রমাণ হইবে।।

13 मूलम्

(8A) प्रमाणं वेदवद्भवेत्। समयो नियमः। प्रपञ्चितार्थमिदं प्रायश्चित्तविवेके। अत्र च दत्तौरसेतरेषां क्षेत्रजादीनां निवर्त्तनाद्वर्जनात् स्फुटः पर्युदासः। अतएव बृहस्पतिः (संस्कार-2.6.9) अनेकधा कृताः पुत्राः ऋषिभिर्यैः पुरातनैः। न शक्यन्तेऽधुनाकर्त्तुं शक्तिहीनैरिदन्तनैरिति।। इदन्तनैः पुरोवर्त्ति कलियुगभवैः, शक्तिहीनैर्व्यवहार-विरोधभीरूभिः। युगान्तरे च मुनीनां तदनुयायिनाञ्चा-

वरणमेवेतरेषां व्यवहारप्रदर्शकमासीत्। तदैव–''यद्यदाचरति श्रेष्ठस्तत्तदेवेतरो जनः। स यत् प्रमाणं कुरूते लोकस्तदनुवर्त्तते'' इति भगवदुक्तं (गीता - 3. 21) युज्यते। अतएव नारदोऽपि (I.1) धर्मैकतानाः पुरुषा यदासन् सत्यवादिनः। तदा न व्यवहारोऽभुन्नदोषो न च मत्सरः। नष्टे धर्मे मनुष्याणां व्यवहारः प्रवर्त्तितः। द्रष्टा च

दीप्तिः

(8a) प्रागुक्तेषु दत्तकौरसभिन्नानां पुत्राणां पुत्रत्वेन स्वीकरणमपि निषिद्धम्। अत्र पर्युदाससामर्थ्यात् दत्तकौरसयोः पुत्ररूपेण ग्रहणं कार्यम् इत्यर्थः फलति। स च पर्युदासः ''प्रधानत्वं विधेर्यत्र प्रतिषेधेऽप्रधानता। पर्युदासः स विज्ञेयो यत्रोत्तरपदेन नञ्''॥ इतिरूपः। व्यवहारश्च कात्यायनोक्तः वि नानार्थेऽवसन्देहे हरणं हार उच्यते। नाना सन्देहहरणात् व्यवहार इति स्मृतः॥ तस्य च अष्टादशविधत्वम्– अष्टादशमार्गेषु प्रचलितत्वात्। ते च–तेषामाद्यमृणादानं निक्षेपोऽस्वामिविक्रयः इत्यादि मानवीय श्लोकेषु (मनु 8.47) परिगणिताः। तत्र तत्र व्यवहारकायेषु अभियोगप्रत्यभियोगभीरवः प्राचीनर्षयो यथा तद्वत् वहुविधपुत्रस्वीकरणे अक्षमाः॥

(8a) Resume—also be treated as authoritative as Vedic injunctions. *Samaya* means custom or usage. This has been elaborated in the work named *Prāyaścitta-viveka*. Here, by prohibition of sons other than the Dattaka and Aurasa—i.e. the Kṣetraja and others the sense of the negative injunction is clear [In the Kali Era sons like Kṣetraja etc. who are other than the Aurasa and Dattaka sons, are not to be accepted as such. Here this negation clearly indicates that only Aurasa and Dattaka sons may be accepted as such in necessity].

Therefore Bṛhaspati (said) : The various types of sons that have been accepted as such by ancient sages cannot be treated similarly by modern people who are inherently weak. In this verse the expression '*idantana*' means persons belonging to the Kaliyuga present in front. *Śaktihīna* means who are afraid of litigations. In other (i.e. previous) *yugas* the customs and usages of the sages and their followers were treated as path finders in the matter of *vyavahāra* (or litigation). In that age only "whatever the best man (in the

society) does, is repeated by others. People imitate him in whatever he takes as authentic"—this statement of the Lord (*Bhagavadgītā* 3.21) is applicable. Therefore Nārada (1.1) said—"when people solely reclined on Dharma and adhered to truthful speaking—there was no litigation, no lapse of conduct and no malice. When that Dharma (a truthful nature of the people) vanished procedures of litigation (i.e. judicial administration) was introduced for (solving problems of) human beings.

(8a) (শিষ্টসময়ও) বেদতুল্য প্রামাণিক হইবে। সময় শব্দের অর্থ নিয়ম। এই সমস্ত বিষয়ের অর্থ প্রায়শ্চিত্ত বিবেক নামক গ্রন্থে (অথবা প্রায়শ্চিত্তের আলোচনা প্রকরণে) আলোচিত হইয়াছে। উল্লিখিত বচনগুলিতে দত্তক ও ঔরস ভিন্ন অর্থাৎ ক্ষেত্রজ প্রভৃতি পুত্রের নিরসন হওয়ায় পর্যুদাসের দ্বারা নিষেধের অর্থ পরিষ্কার (কলিকালে ঔরস ও দত্তক ভিন্ন অন্য পুত্র স্বীকার করিবে না এইরূপ নিষেধ মূলক বাক্যের নিষেধ পূর্বক বিধি এই যে কলিকালে কেবল মাত্র ঔরস ও দত্তকপুত্রকেই পুত্ররূপে স্বীকার করিবে—এই ভাবে পর্যুদাসের অর্থ পরিস্ফুট)।

তাই বৃহস্পতি (সংস্কার কাণ্ড-2.69) বলেন—প্রাচীন ঋষিরা নানাপ্রকারের পুত্র স্বীকার করিয়াছেন—আধুনিক কালের শক্তিহীন মানবেরা তাহা করিতে পারে না। ইদন্তন শব্দের অর্থ সম্মুখে স্থাপিত কলিযুগজাত। শক্তিহীন অর্থাৎ ব্যবহার (বা মামলা মোকদ্দমা) জনিত বিরোধকে যাহারা ভয় করেন তাহারা। অন্যযুগে (অর্থাৎ পূর্বে) মুনিগণের ও তাঁহাদের অনুযায়িগণের আচরণই সাধারণ লোকদের ব্যবহার মার্গ প্রদর্শক ছিল। সেই যুগে (গীতা 3.21) "(সমাজের) শ্রেষ্ঠব্যক্তি যাহা যাহা আচরণ করেন, (সমাজের) সাধারণ লোকে তাহাই অনুকরণ করে। তিনি যে (লৌকিক বা বৈদিক) কর্ম প্রামাণিক বলিয়া অনুষ্ঠান করেন লোকে তাহাই অনুসরণ করে"।। ইত্যাদি গীতায় কথিত ভগবান্ শ্রীকৃষ্ণের বাক্য—এই বিষয়ে প্রয়োগযোগ্য। অতএব নারদ স্মৃতি (I.1.)তে "মানুষ যখন ধর্মৈকবল, সত্যবাদী ও বিদ্বেষশূন্য ছিল অপরের শুভদ্বেষী ছিল না, কেহ কাহারও দ্রব্য অপহরণ করিত না, অপরের দ্রব্য আপনার বলিত না এবং অপরের অভ্যুদয়ে নিজের লঘুতা কল্পনাও করিত না তখন কেহ কাহারও বস্তু লইয়া নিজের বস্তু বলিয়া দাবী করিত না বলিয়াই প্রথম অবস্থায় বিচার কার্যের প্রয়োজন ছিল না।" [পণ্ডিত শ্রীনারায়ণ চন্দ্রস্মৃতিতীর্থ কৃত অনুবাদ]। পরে মনুষ্যদের এই সজ্জনোচিত ধর্ম নষ্ট হইয়া গেলে তাহাদের জন্য বিচারমূলক ব্যবহারবিধি প্রবর্ত্তিত হইল [এবং সেই ব্যবহারবিধির দ্রষ্টা অর্থাৎ পালক হইলেন স্বয়ং দণ্ডধর রাজা]।

14 मूलम्

(8B) व्यवहाराणां राजा दण्डधरः स्वयम्[18]॥ नष्टे नाशधर्म्मिणि धर्म्मे त्रेतायां शिखी विनष्ट इतिवत् त्रेतायां धर्म्मस्यैकपादह्रासेन तस्य नाशधर्म्मिकत्वात् ग्रामो दग्धः पटो दग्ध इतिवत् प्रयोगः। तथा हि वेणराजा[19] (-राज) वर्धितस्य(त्र) वाधर्म्मप्रवृद्धौ तत् शरीरजेन पृथुचक्रवर्त्तिना प्रार्थितैर्देवैर्दण्डपुरुषः सृष्टस्तस्मै समर्पितश्च। स च तमादाय उत्पथप्रतिपन्नान् सङ्करजादीन् धर्म्म्ये वर्त्मनि निवेशयामास। प्रजानां रञ्जनाद्राजपदवीञ्च लेभे। तस्य हि परमेश्वरीयांशे नोत्पादनात्। अतएव दण्डधरः स्वयमित्युक्तम्। ऊक्तञ्च--प्रजानां रञ्जनाद्राजा पृथुर्येन शरीरजः। ऊत्सारयामास गिरीन् दण्डं दुष्टेष्वपातयत्-इति। व्यवहारश्च तेषामाद्यमृणादानमित्यादयोऽष्टादश मनूक्ताः (मनु 8.47)। अत इदानीं दुर्व्यवहारभयादितरपुत्राः निवर्त्तिता इति॥

दीप्तिः

(8b) सत्ययुगे धर्म आसीत् चतुष्पात्। त्रेतायां शिखी अर्थात् चतुर्थांशो नष्टः। पृथुप्रभृतीनां प्रजारञ्जकानां नृपाणां व्यवहारविधिः सुप्रचलित आसीत्। तेषां च अष्टादशविधानां व्यवहाराणां परिगणनं मनुस्मृतौ अष्टमे अध्याये कृतम्। कलौ दुर्व्यवहारभयात् औरसदत्त- केतरे पुत्राः निरस्ताः।

(8b) Resume—and the king himself, the wielder of Daṇḍa, supervised over the (disposal of) litigation (.... out justice to the deserving). Dharma being subject to decay, like the expression : *Śikhī vinaṣṭaḥ* (the top is destroyed) when one quarter of *dharma* withered in the *Tretā-yuga*—because it is liable to be decayed. The expression is on the analogy of expression like *grāmo dagdhaḥ, paṭo dagdhaḥ* (the village is burnt, the cloth in burnt).

For when the pseudo-religion (impiety) increased getting encouragement from King Veṇa, the imperial monarch Pṛthu

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18. नारद I. 2. Cal. Sanskrit Collegee edition of Nārada has राजा दण्डधरः स्मृतः।

19. वेणराजेन आवर्धितस्य अर्थात् सम्यक वर्धित इति वेणराजावर्धित इत्यपि पदच्छेदो भवेत्। वेणराजवर्धितस्य चाधर्म्मस्य वृद्धौ इति पाठ एव सङ्गतः।

(his son) reproduced from his body (by churning) prayed to the gods and they creating the Daṇḍa (sceptre) gave it to him—Pṛthu holding that Daṇḍa brought back the erring mixed caste people on the track of rectitude and got the title of Rājan (=king) pleasing the minds of the subjects. For he was born from parts of the Supreme Being. That is why it is said : "himself the wielder of Daṇḍa". It is further told : pleasing the subjects, by which (i.e. by the sceptre) Pṛthu born of the body (of Veṇa) removed the (path-obstructing) mountains and inflicted punishment on the wicked." And their (causes of litigation i.e.) Vyavahāra is eighteenfold enumerated by Manu (8. 4-7) as non-payment of debt etc. Now-a-days therefore for fear of facing vitiated litigation, sons other than the Aurasa and Dattaka are not accepted.

(8b) এবং দণ্ডধর স্বয়ং রাজা সেই ব্যবহারকার্য দর্শন করিতেন (অর্থাৎ ব্যবহারাদি দর্শন করিয়া সুবিচার করিতেন)। নষ্টে অর্থাৎ বিনাশশীল ধর্মের ত্রেতাযুগে শিখী অর্থাৎ মস্তক বিনষ্ট হইল—এইরূপে ধর্মের বিনাশশীলতার জন্য ত্রেতাযুগে ধর্মের এক চরণ নষ্ট হওয়ায় (ব্যবহার প্রবর্তিত হয়)। গ্রাম দগ্ধ হইয়াছে (তাহার সহিত) পট বা বস্ত্রও দগ্ধ হইয়াছে এইরূপ প্রয়োগের মত (এ ক্ষেত্রে ধর্মের শিখী বা মস্তক নষ্ট হইয়াছে এইরূপ প্রয়োগ) হইয়াছে। তাহা ছাড়া বেণরাজার দ্বারা বর্ধিত অধর্মের বৃদ্ধি হইলে তাহার দেহোৎপন্ন রাজচক্রবর্ত্তী পৃথুর দ্বারা প্রার্থিত হইয়া দেবগণ দণ্ডনামধারী পুরুষকে সৃষ্টি করিয়া পৃথুকে সমর্পণ করিলেন এবং পৃথু সেই দণ্ডপুরুষকে সঙ্গে লইয়া কুমার্গাবলম্বী মিশ্রজাতিদের (শাসনপূর্বক) ধর্মমার্গে স্থাপিত করিলেন ও প্রজাদের মনোরঞ্জন করিয়া রাজা এই পদবীও লাভ করেন। তিনি পরমেশ্বরের অংশ হইতে জাত তাই স্বয়ং দণ্ডধর এই কথা বলা হইয়াছে। আরও বলা হইয়াছে যে (পিতার) শরীর হইতে উৎপন্ন ও প্রজাদের মনোরঞ্জনহেতু রাজা এই পদবীধারী। পৃথু দণ্ডের দ্বারাই পর্বতদের অপসারিত করেন ও দুষ্টদের দণ্ডদান করেন। তাদৃশ মনুষ্যদের ব্যবহার—মনুপ্রোক্ত ঋণদান প্রভৃতি অষ্টাদশ প্রকার। সেইহেতু আধুনিক কালে দুষ্টব্যবহার যাহাতে প্রবর্ত্তিত না হয় সে কারণে ঔরস ও দত্তক ভিন্ন পুত্রদের বর্জন করা হইয়াছে।

15 मूलम्

(9A) अथेदानीं क्षेत्रजादीनां प्रयोजनविरहात् ग्रन्थगौरवभयाच्च दत्तककरणादि-पारिपाटयमेवाभिधीयते। तत्र अत्रि:[20]-

अपुत्रेणैव कर्त्तव्यः पुत्रप्रतिनिधिः सदा।
पिण्डोदकक्रियाहेतोर्यस्मात्तस्मात् प्रयत्नतः।।

बृद्ध शातातप:[21] –

अपुत्रेण सुताः कार्या यादृक् तादृक् प्रयत्नतः।
पिण्डोदकक्रियाहेतोर्नामसंकीर्त्तनाय च।।

इति। पिण्डः पिण्डाङ्कं श्राद्धम्, उदकं तर्पणादिः (=दि), क्रिया लौकिकी वैदिकी च। एतद्रुपहेतोर्निमित्तात् पुत्रः कार्य इति। हेतोरित्येकत्वनिर्देशात् मिलितानामेषामेव हेतुत्वं न तु प्रत्येकं हेतुता येन ह्येकशक्तिमत्वं स्यात्। ततश्च एकैक कार्यार्थं न पृथक् पृथक् पुत्रीकरणमिति सिद्धम्। पुत्रः प्रतिनिधिः कार्य इत्युद्देश्य गतैकत्वस्य विवक्षणात् एकेनैव प्रतिनिधिना कर्म्मनिर्व्वाहे तत्कर्म्मणि प्रतिनिध्यन्तर--

दीप्तिः

(9a) पिण्डोदक-नामसंकीर्त्तन--अलोकतापरिहारादि सर्वकार्यार्थं पुत्राभावे दत्तकादयः प्रतिनिधयः कर्त्तव्याः। नित्योऽयं पुत्रोत्पादनविधिः अकरणे हानिश्रवणात्। पत्न्यादिभिः क्रियानिर्वाहेऽपि पार्वणपिण्डानिर्वाहेण पुत्रकृतक्रियाजन्यलोकविशेषसिद्ध्यै पुत्रप्रतिनिधिरावश्यकः इति दत्तकमीमांसा दत्तकचन्द्रिका दत्तकनिर्णयेषु प्रतिपादितम् इति शिरोमणयः। कलौ औरसदत्तकयोरेव स्वीकरणात् क्षेत्रजानां व्यवच्छेदः। अत्रिवचने यस्मात् कस्मात् इत्यस्य यस्मात् कस्मात् अपि वंशात् इत्यर्थवत्त्वेऽपि यस्मात् कस्मात् शास्त्रविहितकुलात् इत्यर्थः उल्लेखः। शातातपवचनेन च दत्तकपुत्रकरणहेतुः प्रोक्तः। तत्रा च पिण्डोदकरक्षणार्थमेकः पुत्रः वंशरक्षणार्थं नामसंकीर्त्तनार्थं वा अपरः

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20. अत्रिस्मृतिः -v.52 दत्तककौमुदी-- (of रामजय तर्कालंकार summarised in दत्तकशिरोमणि) has अपुत्रेनैव कर्त्तव्यः पुत्रप्रतिनिधिः यदा इति मनुवचने.....।

21. दत्तकचन्द्रिका of कुवेर-- ascribes this to Manu- "तत्राह मनुः ण अपुत्रे सुतः कार्यो यादृक् तादृक् प्रयत्नतः। पिण्डोदकक्रियाहेतोर्नाम संकीर्त्तनाय च"॥
But दत्तकसिद्धान्तमंजरी ascribes it to बृद्धशातातपः (दत्तकशिरोमणि P. 5)

पुत्रः उत्पादनीय इति तु न वाच्यम। एकेनैव पुत्रेण द्वयोः पिण्डोदकक्रिया नामसंकीर्त्तनयोः साधकत्वात्। एकत्वस्यैव विवक्षा अत्र हेतोरिति पदे एकवचनग्रहणादायाति। संक्षेपित दत्तकतिलके च असुतेन-पुत्ररहितेन पुंसा लिंगसंख्याया विवक्षणात् पुंसामेव पुत्रग्रहणाधिकारः न स्त्रियाः। इति।

(9a) Now that the secondary sons like Kṣetraja etc. have no use and for fear of digression resulting in the increase in volume of the work (they are left out of discussion and) only the procedure of taking an adopted son is (now) narrated. On that Atri (says)—since Śrāddha (funerary rite) and Tarpaṇa (libations of water to the manes) can be done by sons only, a man without a son, should always procure carefully an adopted son as the substitute of the natural son. Vṛddha Śātātapa says : By a sonless man, should be procured a (secondary ie. adopted) son for performance of the acts of *śrāddha* and *tarpaṇa* and for perpetuation of the name (of the father/family). *Piṇḍa* means *śraddha* i.e. funerary rite wherein *piṇḍa* or rice-ball is offered to the departed. Udaka means offering of libations of water to the manes i.e. *tarpaṇa* and so on. Kriyā means action—secular and sacerdotal acts. For such cases (ie. for having such works done) a son is to be procured. Since the word '*hetoḥ*' (*hetu*/ genetive singular) is used in the singular in the above passages it is implied that the above eventualities collectively become a cause and not that each one is a cause so that by having the connotation or meaning in the singular aspect—for each a separate son is to be procured. This is indicated. A son is to be procured—in such the singularity underlying the events (have *uddeśya*) is desired to be expressed here. So when by one representative the works can be accomplished, furnishing separate representatives in separate works (is not broken by scriptors).

(9a) অধুনা ক্ষেত্রজ প্রভৃতি পুত্রের প্রয়োজন না থাকায় এবং গ্রন্থের (অযথা) বিস্তৃতির ভয়ে এখন কেবলমাত্র দত্তকপুত্র কীভাবে গৃহীত হয় তাহা বলা হইতেছে। এ বিষয়ে অত্রি (সংহিতা শ্লোক 52) যেহেতু শ্রাদ্ধ তর্পণক্রিয়া পুত্রদ্বারা করা যায় সেই হেতু অপুত্রক ব্যক্তি পুত্রের প্রতিনিধি (দত্তকপুত্র) সর্বদা যত্ন সহকারে গ্রহণ করিবেন। বৃদ্ধ শাতাতপ বলেন—পিণ্ড ও উদকদানাদি ধর্মীয় ক্রিয়ার জন্য ও (বংশের

বা নিজের) নাম রক্ষার জন্য অপুত্রক ব্যক্তির যত্নের সহিত যে কোনও উপায়ে পুত্র সংগ্রহ করা উচিত। পিণ্ডশব্দের পিণ্ডদান রূপ অঙ্গ যুক্ত শ্রাদ্ধ। উদক অর্থ তর্পণাদি। ক্রিয়াশব্দের অর্থ লৌকিক ও বৈদিক ক্রিয়া। সদৃশ কার্যসাধনের জন্য পুত্র সংগ্রহ করা উচিত। উল্লিখিত বচনদ্বয়ে হেতুশব্দটি একবচনে প্রযুক্ত হওয়ায় কারণগুলি সব মিলিত হইয়াই হেতু হয়। প্রত্যেকটি পৃথকভাবে হেতু বা যাহার ফলে হেতুশব্দের এক একটি কারণে অর্থবত্তা স্বীকার করিয়া একেকটি (অর্থাৎ শ্রাদ্ধের জন্য, তর্পণের জন্য, নাম সংরক্ষণের জন্য এইভাবে) কর্মের জন্য পৃথক্ পৃথক্ পুত্র স্বীকার করিতে হইবে। ইহাই সিদ্ধান্ত। (পুত্রের) প্রতিনিধি রূপে পুত্র স্বীকরণীয় এইরূপে উদ্দেশ্য মত একতাই এখানে বিবক্ষিত। সেইজন্য একটি মাত্র প্রতিনিধিদ্বারাই কর্ম নির্বাহ সম্ভব হইলে সেই কর্মে অন্য প্রতিনিধি (কল্পনা করা অশাস্ত্রীয় হইয়া যায়)।

16. मूलम्

(9B) (प्रतिनिध्यन्तर) कल्पनस्याशास्त्रीयत्वात्। मुख्याभावे प्रतिनिधिः शास्त्रार्थ इत्यत्रापि तथा बोधनात्(।) यदि तु कर्मवाहुल्यात् बहवोऽपि करणीयाः स्युस्तदा बृहद्यज्ञादौ कार्यानुरोधादृत्विक्वाहूल्यवद् एके पुत्रा (अनेके पुत्राः) युगपद्बहवो दत्तकाउपादेयास्तत्र च बहुत्वं कपिञ्जलाधिकरणन्यायात्[22] (मीमांसासूत्र xi. 1.38-40) त्रित्वमात्रेपर्यवसन्नम् अन्यथा अनवस्था प्रसङ्गः स्यात् इति। एवं स्त्रीकर्तृकग्रहणेऽपि एकेच्छाप्रयोज्यैकानुमत्या त्रयोऽपि ग्रहीतुं शक्या न त्वनुमतिभेदे पुत्रान्तरकरणम् असुतेनेत्यादिविशेषण वैयर्थ्यात्। अनुमतिर्हि दत्तकग्रहणे वीजम्, बीजाभावे कथं फलोदयः स्यात्। एवञ्च अनुमतिं दत्ता निवृत्ते पुंसि तस्मा एव स्वरूपयोग्यत्वेन असुतोऽयमिति वक्तुं न शक्यते, भविष्यद्दत्तकप्रागभावस्य प्रतिबन्धकत्वात्। एवञ्च युधिष्ठिरादि क्षेत्रजानां--

दीप्तिः

(9b) यदा पुनः कर्मणः बाहुल्यं, यथा बृहद्यज्ञादौ एकैकस्मै ऋत्विजे एकैकं कार्यं समुपन्यस्यते-तद्वत् एकैकस्मै दत्तकपुत्राय एकैकं कार्यमपि समुपन्यसितुं योग्यम्-तदा बहुत्वस्य कियती गतिरितिशंकायां मीमांसासूत्रीयं कपिञ्जलाधिकरणम् एव शरणम्। कपिञ्जलाधिकरणे हि उक्तं वसन्ताय कपिञ्जलान् आलभेत्। अत्र कपिञ्जलपदे

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22. वसन्ताय कपिञ्जलान् आलभेत--अत्र विशेषणविहीनं वहुवचनं त्रित्वमात्रस्यबोधकम् अर्थात् कपिसत्रयमेवालम्थनीयम्। मी.सू. xi. 1.38-40.

विशेषणवर्जितं वहुवचनं त्रित्वस्यैव बोधकम्। अर्थात् त्रयः कपिञ्जलाः आलम्भनीयाः। तद्वदत्रापि त्रयः दत्तकपुत्रत्वेन ग्राह्याः। अन्यथा अनवस्थादोष आपद्येत्। एवं स्त्रीकर्तृक दत्तकग्रहणे पत्युरनुमतेरपेक्षा वर्त्तते। अपेक्षिता च स्त्रीकर्तृकेच्छा। एकदा इच्छा प्रकटिता लब्धा च अनुमतिः किन्तु दत्तकग्रहणं न सम्पन्नम्। पुनरपि तदेव भवति। पुनरपि। तर्हि अनुमतित्रयेण दत्तकत्रयग्रहणमस्तु। न। तेन असूतेन इति विशेषणस्य जागरूकत्वात्।

दत्तकग्रहणात् प्राक् दत्तकप्रागभावः। दत्तकग्रहणे एवमनुमतिं दत्त्वा म्रियते चेत् नासौ अपुत्र इति वक्तुं शक्यते--तत्र भविष्यद्दत्तकप्रागभाव एव कारणम्। सा चेयमनुमतिः साक्षात् असाक्षात् वा ग्रहीतुं शक्यते। पत्न्याः प्रार्थनया भर्त्ता तुष्णीमास्ते चेत् अप्रतिषिद्धं परमतम् अनुमतं भवति। अर्थात् मौनं सम्मतिलक्षणम्। पश्चात् पत्न्याः पुनः प्रार्थनया पतिः कन्ठतः स्वीकरोति इति वारद्वयमनुमतिर्लब्धा इति कृत्वा दत्तकद्वयं ग्राह्यम् इत्यपि न।

(9b) (acceptance of separate representatives) is not sanctioned by scriptures. In the absence of the principal item of substitute is prescribed in the texts. Here also this is intended. If according to the multiplicity of actions, as in a major ritual, owing to necessity, multiplicity of priests is felt, many sons may be taken in adoption—if this is said, still then, according to the decision arrived at in the Kapinjala-adhikaraṇa (of the Mīmāṃsāsūtras, XI. 1.38-46 plural number without any special adjective should mean only three, so many sons may be taken in adoption comes to mean) only three sons may be taken in adoption. Otherwise this will lead to the technical defect called *'anavasthā'* (absence of finality or conclusion, endless series of statement). Thus in the case of adoption by women by permission given once to have one son—even three sons may be taken and not that for several sons several permissions are to be taken. For in that case the adjective *'asutena'* (by one who is son-less) in singular would be useless. In fact it is the permission in such cases of adoption that is the seed and without the seed how can there be advent of fruit ? So if a man dies after giving permission (to his spouse to take a boy in adoption) the duties of a son may be done to him and the man cannot be called son-less. Because in such contingency the antecedent non-existence *(prāgabhāvā)* of the adopted son

stand in the way to in the case of Kṣetraja sons like Yudhiṣṭhira.

(9b) কল্পনা করা অশাস্ত্রীয় হইয়া যায়। মুখ্যবস্তুর অভাবে প্রতিনিধি গ্রহণ বিধি শাস্ত্র সম্মত, এস্থলেও তাহা বোঝান হইয়াছে বলিয়া (পূর্বোক্ত কল্পন অনুচিত)। যদি কর্মের বহুত্ববশত: অনেক প্রতিনিধি করিতে হয়, যেমন কোনও বৃহদ্ যজ্ঞের সময় প্রয়োজনবশত: অনেক ঋত্বিক্ উপস্থিত থাকেন, তদ্রূপ কর্মবাহুল্য বশত: বহু দত্তক গ্রহণ করা উচিত (এইরূপ বলা হয়—তবে) মীমাংসাসূত্রের কপিঞ্জলাধিকরণ (মীমাংসা সূত্র XI.1.38.46) সিদ্ধান্ত অনুযায়ী বিশেষণহীন বহুত্ব ত্রিত্বের বোধক হইবে (অর্থাৎ বহবঃ কার্যাঃ বলিলে তিনজন দত্তক গ্রহণ করা যাইবে)—অন্যথা (কতপরিমাণ গ্রহণ করা উচিত তাহা নিরূপিত না হওয়ায়) অনবস্থা দোষ হইবে। এইরূপে স্ত্রীলোক যদি দত্তক গ্রহণ করে সে স্থলে একটি পুত্রলাভের ইচ্ছার প্রযোজিকা একটি অনুমতি দ্বারা তিনজন দত্তকও গ্রহণ করা যায়। এক একটি দত্তকপুত্র গ্রহণের জন্য এক একবার অনুমতি প্রাপ্তির প্রয়োজন নাই। কারণ সেক্ষেত্রে *অসুতেন* ইত্যাদি শ্লোকের অসুতেন এই বিশেষণটি ব্যর্থ হইয়া যায়। এস্থলে দত্তক গ্রহণের ব্যাপারে স্ত্রীকর্তৃক স্বামীর অনুমতি গ্রহণটিই বীজ। বীজ না থাকিলে কীভাবে ফলের উদ্ভব হইবে? তাই স্ত্রীকে অনুমতিদান করিয়া স্বামীর মরণ হইলেও তাহার প্রতি পুত্র দ্বারা করণীয় কর্মসমূহ যুক্ত হইতে পারে। অতএব সেই অবস্থাতে তাদৃশপুরুষ অপুত্রক ইহা বলা যায় না কারণ অনুমতি দানের দ্বারা ভাবী যে দত্তকপুত্র তাহার প্রাগভাব সেইরূপ কথনের প্রতিবন্ধক হইবে [দত্তকপুত্র প্রাগভাব অর্থাৎ দত্তকবিধি অনুযায়ী দত্তক গ্রহণের পূর্বের অবস্থা। যখন অনুমতি প্রদত্ত হইয়াছে তখন দত্তকপুত্র হইবে—কিন্তু বিধি অনুযায়ী তাহাকে যতক্ষণ গ্রহণ করা হয় নাই ততক্ষণ সেই অবস্থাই দত্তকপুত্র প্রাগভাব] এই ভাবে যুধিষ্ঠির প্রভৃতি ক্ষেত্রজ পুত্র—

17. मूलम्

(10A) पञ्चानां प्रयोजनानन्यत्वादनुष्ठानानन्यत्वेन पञ्चकरणं न दोषाय। अत्र प्रयोजनभेदस्तु[23]-- तत्र प्रयोजनभेदस्तु ब्राह्मणीशापाभिभूतस्य पाण्डोः स्वयं प्रजन (न)। सामर्थ्यात्तदनुज्ञया कुन्त्यां धर्म्मात् युधिष्ठिरे जाते तस्यातिधार्म्मिकत्वेन राजधर्म्मे च हिंसा बहुत्वे अयोग्यभिया अनुमत्यन्तरेण वायोर्भीमस्तस्यातिवलगर्व्वितत्वेन न्याय्यान्याय्यज्ञानवहिर्भावात् अनुमत्यन्तरेण इन्द्रात्

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23. अयमंशः अधिकत्वात् वर्जनीयः। मन्ये लिपिकाले आपतितः।

फाल्गुनिर्जातः। एवं माद्र्यामपि स्वत..तः[24] (? स्वतल्पतः) पित्राद्युपकारार्थमिति प्रयोजनभेदाः। तथाच असुतेन द्वादशविधपुत्ररहितेन पुंसा दत्तकः कार्यो न तु सपुत्रेणेति। यदि च माद्रीवत् पत्नीनामनुरोधेन वहवोऽपि इष्टा भवन्ति तदाप्येकेच्छया त्रयोऽपीति ज्ञेयम्। एवमनुमत्यैकोऽपि बोद्धयम्। अधिके जातेऽपि दत्तके यदि पातित्याद्यवधारणेन--

दीप्तिः

(10a) अत्रेयं शङ्का। यदि अनुमतिः सकृदेव दीयते कथं तर्हि भारते युधिष्ठिरादि-- क्षेत्रजानां पञ्चकत्वं सिद्धति। अत्रोच्यते प्रयोजनवशात् पञ्चकरणं न दोषाय। प्रयोजनं चात्र राज्यरक्षणम्। युधिष्ठिरश्च दुर्बलः, भीमो निष्ठुरः। अर्जुनः पुनः समीचीनः। उक्तश्च प्रयोजनापेक्षाया एका स्त्री वारत्रयं क्षेत्रत्वम् उपेयात् तदधिके व्यभिचारदोष आपतति। अतः कुन्त्या वारत्रयमेव गर्भमूढम्। मद्रराजपुत्र्याः पितृणां जलपिण्डादिरक्षणं न तु युधिष्ठिराद्यधीनम् अतस्तस्यापि क्षेत्रजद्वयम्। कुन्त्या च मन्त्रं सकृदेव प्राप्तः माद्र्या च सकृदेव मन्त्रेण अश्विकुमारयुगलगमनम् अतस्तस्या युगलौ उत्पन्नौ। एवं दत्तकविधौ सकृदेव अनुमतिः प्रदेया। अधिके जाते पातित्याशङ्का।

(10a) Five such sons were procured by levirate owing to different (normal) reasons and therefore in such case no stigma is imposed. The difference in reason/cause is as follows : When king Pāṇḍu was cursed by a brahmin lady he became incapable of procreating (his own son) and by an act of permission given by him Yudhiṣṭhira was born of Dharma in Kuntī. But he was too much pious (and therefore averse to violence) and royal duties had in them plenty of violence and therefore he was found unfit (to become a king) and for this by another permission Bhīma was born in Kuntī from the Windgod (Vāyu). But he was puffed up by his extra-ordinary strength and had no idea of the proper and the improper acts (and was therefore found unfit to be a king and therefore) by another permission Arjuna was born from Indra in Kunti. And in this way even in Mādrī also (from her

24. कृतेऽपि यत्ने पाठोद्धारो न जातः। स्वतल्पतः इति पाठे कथञ्चित् अर्थसङ्गतिः स्यात् इति स एव गृहीतः।

bed ie. womb ?) for rendering (spiritual) benefit to her (own) ancestors.

And so *'asutena'* (by a son-less) means by a man who does not have (even) one of the twelve types of sons (and by him) a son may be taken in adoption and not by one having a ṣon. If, however, several sons are desired by the request of wives, as was done in the case of Mādrī, even then by the desire of one (at most) three sons may be procured. The same principle is to be understood with reference to one permission.

If several sons are born and owing to *pātitya* (apostasy-degradation)—

(10a) (ক্ষেত্রজপুত্র) পাঁচজনের প্রয়োজনের বৈশিষ্ট্যহেতু (ক্ষেত্রজত্বস্বীকাররূপ) অনুষ্ঠান ও অনন্য (তাই) পাঁচটি ক্ষেত্রজ পুত্র করণ দোষের কারণ হইতে পারে না। [এখানে প্রয়োজনভেদে] (এই প্রকার) সেখানে প্রয়োজন ভেদ হইল—ব্রাহ্মণীর শাপে অভিভূত রাজা পাণ্ডু নিজে পুত্রোৎপাদনে অক্ষম হওয়ায় তাহার অনুমতিতে ধর্ম হইতে কুন্তীতে যুধিষ্ঠিরের জন্ম। (কিন্তু) সে অতি ধার্মিক বলিয়া এবং রাজকার্যে হিংসার বাহুল্য থাকায় (রাজপদে) সে অযোগ্য এই ভয়ে আর একবার অনুমতি দিয়া (কুন্তীতে) বায়ু হইতে ভীম (জাত) হইল। সেও অতিবলগর্বিত হওয়ায় ন্যায্যান্যায্য জ্ঞানশূন্য হওয়াতে (তাহারও রাজা হওয়া অনুচিত বিধায়) আর একবার অনুমতি নিয়া (কুন্তীতে) ইন্দ্র হইতে অর্জুনের জন্ম। এইভাবে মাদ্রীতেও - - - - - - -পিত্রাদির উপকারের জন্য এই প্রয়োজনভেদ।

আবার অসুতেন অর্থাৎ দ্বাদশবিধপুত্ররহিত জনের দ্বারা দত্তক করণীয়, পুত্রযুক্ত জনের দ্বারা নয়। যদি বা মাদ্রীর ক্ষেত্রে যেমন হইয়াছে তদ্রূপ পত্নীদের অনুরোধে অনেকপুত্র অভীপ্সিত হয় তখনও একজনের ইচ্ছাতেই (সর্বসঠিক) তিনজন পুত্রই কাম্য-ইহা জ্ঞাতব্য। এই ভাবে অনুমতি একবার দেওয়া হইলেও—জ্ঞেয়। অধিকপুত্র যদি হয় তাহাদের পাতিত্য নিরূপণ করিয়া (তাহাদের দ্বারা বেদ বিহিত কর্ম করান যায় না এমন অবস্থা হয় তখন অন্য দত্তকপুত্র গ্রহণ করা উচিত)—।

18. मूलम्

(10B) वैदिकादि कर्म्मानिर्वाहस्तदा दत्तकान्तरं करणीयं, यज्ञादिकृतेव ऋत्विजि विपन्ने प्रोषिते वा ऋत्विगन्तरकरणवदिति। अत्रापुत्रादिपदं प्रपौत्र पर्य्यन्ताभावपरम्। त्रयाणामेव पार्वणपिण्डदानौर्द्धदेहिकादि क्रियातुल्योप-कारकत्वात्। ''पितुःपुत्रेण कर्त्तव्या पिण्डदानादिका क्रिया। तदभावे तु पत्नीस्यात्तदभावे सहोदरः''-- इति शंख्यवचने, ''पत्नीदुहितरश्चैव पितरौ भ्रातरस्तथा''-- इत्याद्यभिधाय स्वर्यातरयह्यपुत्रस्य सर्व्ववर्णेष्वयं विधिरिति याज्ञवल्क्यवचनेन। (याज्ञवल्क्य 2.135,136.) अपुत्रधनं पत्न्यभिगामीत्यादि, विष्णूसूत्रे[25] चापुत्रपदस्य प्रपौत्रपर्य्यन्ताभावस्यावश्यं वाच्यत्वेन सर्वजनसिद्धत्वात् प्रागुक्तमनुयाज्ञ-वल्क्यवचनयोस्त्रयाणां परमोपकारदर्शनात् त्रयाणां तुल्यत्वेन प्रपौ(त्रप)र्य्यन्त रहितेनैव पुंसा दत्तकः करणीयेति (करणीय इति) साधीयः

दीप्तिः

(10b) एवमपि भवति। यज्ञानुष्ठानमध्ये ऋत्विगुपरमते चेत्, कार्य्यं परिहाय प्रतिष्ठते वा तत्र कार्य्यसमाप्त्यर्थम् अपरः आनीयते-तद्वत् वैदिककर्मसमापनार्थम् अन्ये दत्तकाः करणीयाः अत्रोत्तरं नेति। सकृत् दत्तकविधिरनुष्ठितश्चेत् प्रपौत्रपर्य्यन्तं दत्तकग्रहीतुः सपुत्रता आपद्येत। त एव पिण्डदानादिकं कुर्य्युः- पुत्रपदेन प्रपौत्र पर्य्यन्तानां ग्रहणसामर्थ्यात्। शङ्खवचनेन याज्ञवल्क्यवचनेन च प्रपौत्रपर्य्यन्तभावे धनं यथा पत्नीसहोदराभिगामि भवति तद्वत् पिण्डदानादिकार्य्यं तैरेव। एकयोगनिर्दिष्टानां सहैव प्रवृतिः सहैव निवृत्तिः। अतो धनविषये या विहिता पिण्डदानादावपि सैव

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25. विष्णु धर्मसूत्रे दायभाग प्रकरणे ''सदृशं'' वचनं स्पष्टतया नास्ति। दत्तकमीमांसायां तु ''अपुत्रेनेतिपुत्रपदं पौत्रप्रपौत्रयोरप्युपलक्षणम्।'' ''पुत्रेणलोकान्जयति पौत्रेणानन्त्यमश्नुते''। अथपुत्रस्य पौत्रेनब्रध्न स्याप्नोति पिष्टकम्-इत्यादि (मनु 9.137)॥--दत्तकमीमांसा (यम भरत शिरोमणि सं) -पृ-6 दत्तकचन्द्रिकायामपि अत्र पुत्रपदं पौत्र प्रपौत्रयोरप्युपलक्षणम्। तयोरपि पिण्डदातृत्व वंशकरत्व विशेषात्। अन्यथा सत्यपि पौत्रे मृतपुत्रस्य निर्निमित्त पुत्रपरिग्रहापत्तिः। दत्तकचन्द्रिका सं (व्ययम भरत शिरोमणि-) पृ -2-3॥ विष्णु धर्मसूत्रे (xvii. 214) पैतामहेत्वार्थे पितृपुत्रयोस्तुल्यं स्वामित्वम्। and अपुत्रधनं पत्त्याभिगामी नन्दपण्डित in the केशववैजयन्ती टीका quots देवल- अविभक्त विभक्तानां कुल्यानां वसतां सह। भूयो दाय विभागः स्यात् आचतुर्थादिति स्थितिः... इति देवालेनापि प्रपौत्रस्यापि दायसम्बन्धाभिधानात्। and from मनु- त्रयाणामुदकं कार्यं त्रिषु पिण्डः प्रवर्त्तते। चतुर्थःसम्प्रदात्चैषां पञ्चमो नोपपद्यते॥

विहिता। दत्तकपुत्रः पतित श्चेत् दत्तकान्तरं स्वीकरणीयम्। यज्ञादौ ऋत्विगभावे ऋत्विगन्तरग्रहणवत्। एतेन असुतेन सुतः कार्य इत्यादिवचनेविरोधो नागतः। तत्र अपुत्रशब्दस्य-कर्मानर्हपातित्यादिदोषहीनपुत्राभाववान् इत्यर्थः। अयश्च पुत्राभावः पुत्रपौत्रप्रपौत्र पर्यन्तः। पार्वणश्राद्धे त्रैपुरुषिक श्राद्धस्य विधानम्। पिण्डोदकक्रियादौ च पुत्रस्य प्रथमेवाधिकारः। तस्याभावे न नामसङ्कीर्तनम्। पत्न्या भ्रात्रा वा मृतस्य केवलं श्राद्धं सपिण्डीकरणञ्च भवति। भ्राता यदा पार्वणश्राद्धमातनुते तदा तस्य स्वपितुः पितामहस्य प्रपितामहस्य श्राद्धमेव स कुरुते। सपिण्डीकरणादूर्द्धं मृतस्य तथाविधस्य पार्वणादिकं न। पुत्रेण क्रियते चेत् तद्भवति। अतो दत्तकपुत्रेणापि पिण्डोदकक्रियावंशनामकीर्त्तनञ्च उभावपि निर्वाह्येते।।

(10b) of them, performance of Vedic and other rituals does not become possible then another adopted son is to be procured (and such works be accomplished by him) in the manner a ritual is completed by a second priest in the event of (sudden) demise or default (or absence due to sojourn) of the (original) priest who started the work. Here the word *aputra* etc. means absence of male issue upto the level of great grand son, because these three (son, grandson and great grandson) indeed can render equal spiritual benefit for the dead by *pārvaṇa śrāddha, piṇḍadāna (ekoddiṣṭa)* and other funerary rites after death. "By a son would be offered *piṇḍa* to his father and other such works, in his absence the wife and in her absence the uterine brother shall do that." In this sanction of the sage Śaṅkha and 'wife, daughters, parents and brothers'—enumerating these and others "of the deceased son-less this is the principle to be followed with respect to persons of all castes" (Yaj 2.135a, 136b)—in this enumeration of Yājñavalkya the property of the son-less man goes to his wife etc. and in the *Viṣṇu (dharma)sūtra* also the word *aputra* (son-less) [it has been said] must be taken in the sense of absence of issue upto the level of great grand sons (and) that being accepted by all (and) the above quoted word of Manu, Yājñavalkya all these three generations having been found as greatly beneficial (to the departed) (and) all of them being equal (in this respect), only a man having absence of male issue upto the level of great grandson can adopt a son this (conclusion) is better.

(10b) (পাতিত্য নিরূপণহেতু) তাহাদের দ্বারা বৈদিক কর্মসম্পাদন সম্ভব না হয় তবে আর একটি দত্তক গ্রহণ করিতে হইবে, যজ্ঞ অনুষ্ঠানকারী ঋত্বিক্ (অকস্মাৎ যদি) উপরত হন বা অন্যত্র চলিয়া যান তখন অন্য ঋত্বিক্ আনিয়া তাহার দ্বারা যেরূপ কার্যসম্পাদন করা হয় (তদ্রূপ দত্তক গ্রহণ করিয়া কার্য করিতে হইবে)। এস্থলে অপুত্রাদি পদের দ্বারা প্রপৌত্রপর্যন্ত অভাব বুঝিতে হইবে (অর্থাৎ কোনও পুরুষের পুত্র, পৌত্র, প্রপৌত্র না থাকিলে তবেই তাহাকে অপুত্র বলা যাইবে)— কারণ পুত্র, পৌত্র, প্রপৌত্র পার্বণশ্রাদ্ধ, পিণ্ডদান (একোদ্দিষ্ট) ও ঔর্ধ্বদৈহিক ক্রিয়া প্রভৃতির দ্বারা মৃতপুরুষের সমান উপকার করিতে পারে। পুত্রের দ্বারা মৃতপিতার পিণ্ডদানাদি শ্রাদ্ধকর্মাদি কর্ম করণীয়। পুত্র না থাকিলে পত্নী, তাহারও অভাবে সোদর ভ্রাতা (এই কার্য করিবে) এই শঙ্খ প্রোক্ত বচনে এবং "পত্নী, কন্যাগণ, পিতামাতা এবং ভ্রাতৃগণ" এইরূপ বলিয়া "মৃত অপুত্র পুরুষের" সকলবর্ণে ইহাই বিধি—এই যাজ্ঞবল্ক্যবচনের (2.135a, 136b)

(যাজ্ঞবল্ক্যবচনের দ্বারা)— অপুত্রের ধন তাহার পত্নী পায় এবং বিষ্ণু (ধর্ম) সূত্রে অপুত্র অপুত্রপদের দ্বারা প্রপৌত্রান্তর পর্যন্ত (পুরুষের) অভাব অবশ্যই কল্পনীয় এইরূপ ব্যাখ্যা সর্বজনসিদ্ধ হওয়ায় পূর্বোক্ত মনু যাজ্ঞবল্ক্য বচনদ্বয়ে পুত্র, পৌত্র, প্রপৌত্র এই তিনজনের উপকারসাধনত্ব দেখা যায় বলিয়া উল্লিখিত পুত্র, পৌত্র, প্রপৌত্র এই তিনজনের অভাব থাকিলেই তাদৃশ পুরুষ দত্তক সন্তান গ্রহণ করিতে পারিবে ইহাই গ্রাহ্য।

19. मूलम्

(11A) दृष्टश्च वैष्णवे[26] ब्रह्मशापाभिभूतराक्षससौदासनृपभक्षितशतपुत्रशोकेन मरणोद्यतं वशिष्ठं छायेवानुगपुत्र्याशक्तिमत्न्याः [? छायेवानुगपुत्रशक्तिपत्न्याः] स्नुषायाः गर्भस्थपुत्रेणोच्चरद्वेदध्वनिं श्रुत्वा पश्चादवलोककं (- अवलोक्य च) श्वशुरमाह 'मा मरणाय याहीति' 'पौत्रस्ते ममोदरवर्त्ती'ति श्रुत्वा पुत्रपौत्रयोस्तुल्यत्वमिति ज्ञानेन मरणान्निवृत्ते वशिष्ठे तद् गर्भात् पराशराख्यः शक्तिपुत्रो जातस्तेनैव पुत्रकार्यनिर्वाहश्च त(द)र्थमेव पराशर इति नाम चक्रे पितामहः। परस्य मृतकल्पस्य वशिष्ठस्य अशरो मरणनिवृत्तिरूपमहिंसनं यस्मात्

26. H.H. Wilson सम्पादिते तथा आंगलभाषायामनुदिते विष्णुपुराणे संस्करणान्तरेषु च शक्तिमत्न्याः यथा नास्माकं दृष्टिपथमायाति। किन्तु महाभारते आदिपर्वणि लभ्यते इयं कथा। महाभारत (B.O.R.I edn) I. 167. 4-15.

(इति)। शृहिंसायामित्यस्य रूपम्। एवंच अपुत्रस्य गतिर्नास्तीत्यादि-कमप्येतदर्थकमेव बोद्धयम्।। न चैवम् अपुत्रस्य गतिर्नास्ति इति धर्म्मो विनिश्चितः। औरसैर्भ्रातृपुत्रैर्वा पुत्रवन्तो दिवंगताः।। इति कालिकापुराणात्[27] (कालिकापुराण 89.6)।

दीप्तिः

(11a) प्राप्तकाले पिण्डोदकादिनिर्वाहो यथा सुसम्पन्नो भवेत् तदर्थं गर्भस्थपौत्रोऽपि प्रमाणम् इति सूचयितुमेका कथा अवतारिता। ब्रह्मशापात् राक्षसत्वमापन्नेन सौदासनृपेण वशिष्ठस्य महर्षेः पुत्रशतं भक्षितम्। शोकार्त्तो महर्षिर्यदा मरणोद्यतोऽभूत् तदा तस्य स्नुषा स्वगर्भस्थपुत्रेणोच्चरद् वेदध्वनिं श्रुत्वा मरणात् श्वशुरं निवारयामास। वशिष्ठोऽपि पौत्रं शक्रिपुत्रं पराशर इति नाम्ना भुषयामास। परस्य अर्थात् मरणोद्यतवशिष्ठस्य अशरः अहिंसनं मरणनिवृत्तिरूपं यस्मात् स इति वहुव्रीहौ पराशरपदं सिध्यति। शृ हिंसायाम् इति धातुः। पुत्रपौत्रयोः पिण्डोदकक्रियादौ तुल्यत्वम् इति ज्ञातवांश्च।

(11a) It is found in the Vaiṣṇava text *(Viṣṇupurāṇa)* that when king Saudāsa having been transformed into a Rākṣasa by the curse of a brahmin devoused up all the hundred sons of Vaśiṣṭha, the latter was about to commit suicide (at the extinction of his family) and his daughter-in-law, wife of his son Śaktri followed him like (his) shadow, listening to the chanting of Vedic mantras by the baby in her womb then looking at the father-in-law told "do not commit suicide (at the extinction of your family line), your grandson is in my womb." Listening to that and considering that the son and the grandson were equally beneficial (in spiritual matters) refrained from putting an end to his life. Parāśara, the son of Śaktri was born from her womb and by him the duties of a son were done and for that his paternal grand father (ie. Vaśiṣṭha) gave him the name Parāśara meaning thereby the person from whom *(yasmāt)* almost dying Vaśiṣṭha *(parasya mṛta-kalpasya Vaśiṣṭhasya)* was saved from violence i.e.

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27. मुद्रित्रे कालिकापुराणो P. 9.6
अपुत्रस्य गतिर्नास्ति निश्चितं चेति सत्तमाः।
स्वपुत्रैर्भ्रातृपुत्रैर्वा पुत्रवन्तो हि स्वर्गताः।।

death *(maraṇa nivṛtti-rūpam ahiṃsanam)* is Parāśara. The word is derived from the root *śṛ* in the sense of committing violence. In this way the utterances like 'a sonless man has no place to go' are to be understood. Since the *Kālikāpurāṇa* has "A sonless man has no place to go – this is the injunction of Dharma and a man by (service rendered by) natural sons or by nephew have gone to heaven –

(11a) বৈষ্ণবে (বিষ্ণুপুরাণে ?) দেখা গিয়াছে যে ব্রহ্মশাপে রাক্ষসে পরিণত রাজা সৌদাস যখন বশিষ্ঠের শতপুত্রকে ভক্ষণ করিয়াছেন তখন পুত্রশোকে বশিষ্ঠ আত্মঘাতী হইবার উপক্রম করিলে তাঁহার পুত্র শক্তির স্ত্রী, তাঁহার পুত্রবধূ যিনি ছায়ার মত তাঁহাকে অনুসরণ করিতেছিলেন, তাঁহার গর্ভস্থ পুত্রের দ্বারা উচ্চারিত বেদধ্বনি শুনিয়া পরে শ্বশুরকে দেখিয়া বলিলেন—"মরণের পথে যাইবেন না, আপনার পৌত্র আমার গর্ভে আছে"। ইহা শুনিয়া পুত্র ও পৌত্র পিণ্ডদানাদির ব্যাপারে তুল্যোপকারক বিচার করিয়া আত্মহত্যা হইতে বশিষ্ঠ বিরত হইলেন ও পুত্রবধূর গর্ভ হইতে পরাশর নামক শক্তিপুত্র জন্মাইল এবং তাহার দ্বারাই পুত্রের করণীয় সমূহ সাধিত হইল। এবং সেইজন্যই পিতামহ (=বশিষ্ঠ) শিশুর পরাশর এই নামকরণ করিলেন। (যাহার অর্থ) পরস্য অর্থাৎ পরের বা মৃতকল্প বশিষ্ঠের অশরঃ বা মরণনিবৃত্তিরূপ অহিংসা যাহা হইতে (পরস্য অশরো যস্মাৎ স পরাশরঃ—বহুব্রীহি সমাস)। হিংসার্থক শৃ ধাতু হইতে শরঃ। অতএব অপুত্রের (মরণের পর) গতি নাই ইত্যাদি শ্লোকেরও এইরূপ অর্থ বুঝিতে হইবে। কিন্তু ইহার জন্য কালিকাপুরাণের (নিম্নোক্ত বচন)—অপুত্রের গতি নাই, ইহাই ধর্মের বিধান। ঔরসপুত্রের দ্বারা অথবা ভ্রাতুষ্পুত্রের দ্বারা (পারলৌকিক কর্মসাধিত হওয়ায়) লোকে পুত্রবান্ হইয়া স্বর্গগমন করিয়া থাকে—এবং

20. मूलम्

(11B) पुत्रः पौत्रः प्रपौत्रोवा तद्वद्वा भ्रातृसन्ततिरित्यादि वचनेषु औरसेन भ्रातृपुत्रस्य तुल्यत्वाभिधानात्। सति भ्रातृपुत्रे दत्तकादिकं न करणीयमिति वाच्यम्। स्वतन्त्रेऽस्य नियन्तुमशक्यत्वात्। अत्रेदं वीजं प्रपौत्रपर्यन्तरहितोपरतस्य धने पत्नीदुहित्रादिसत्वे भ्रातृपुत्रसत्वे तद्धने पत्न्यादीनामेवाधिकारो न तु भ्रातृपुत्रस्येति। तेन च पिण्डदानादिमूलक पुत्राधिकारेण महद्वैषम्यं स्यात्। यत्र तु भ्रातृपुत्र एवास्ति न तु पत्न्यादिभ्रातृपर्यन्तं तत्रैव दत्तको न करणीयमिति

सिद्धान्तितम्। दत्तकस्य सपिण्ड सकुल्य समानोदकसगोत्रस्य श्रेयस्त्वे तत्रापि भ्रातृपुत्रसत्वे स एव। भिन्नगोत्रेषु च दौहित्र-भागिनेय-पितृबन्धु-मातृबन्धु[28]-स्वबन्धुसन्तानाः श्रेयांसः। तदप्राप्तौ सर्वत्रापि पातित्यादिदोषहीनो ग्राह्य इति पिण्डाशौच--

दीप्तिः

(11b) कालिकापुराणवचनेन पुत्रपौत्रप्रपौत्रैः भ्रातृपुत्राणां साम्यम् उक्तम्। तेन सति भ्रातृपुत्रे दत्तकं न करणीयम् इति चेत् न। स्वतन्त्रे अस्य नियन्तमशक्यत्वात्। अर्थात् पुत्रविषये यथा तथा भ्रातृपुत्रविषये नियमो न विधेयः। यदि भ्रातृपुत्रः पार्वणं कुर्वीत तदा स्वपितुः स्वपितामहादीनामेव श्राद्धं करोति न तु मृतपितृव्यस्य पितुः पितामहस्य धनाधिकारविषये यथा भ्रातृपुत्रस्य दूरे अवस्थानं पिण्डदानेऽपि तद्वत्। तस्य प्रेतश्राद्धपर्य्यन्तकार्येषु अधिकारः न तु पार्वणादौ। अत्र कारणं तु पत्नीदुहित्रादिसत्त्वे भ्रातृपुत्रसत्त्वे च प्रेतधने पत्न्यादीनामेवाधिकारो न तु भ्रातृपुत्रस्य। अतो योग्यस्थले दत्तको ग्राह्यः। स च सपिण्ड-सकुल्य-समानोदकसगोत्रेभ्यः एव ग्राह्यः। भ्रातृपुत्रे च सपिण्डता-सकुल्यता-समानोदकता-सगोत्रता सर्वा एव सन्ति। भिन्नगोत्रेषु दौहित्र-भागिनेय-पितृबन्धु-मातृबन्धु-आत्मबन्धु-सन्तानानाम् एव ग्राह्यता। तदभावे पातित्यादि दोषहीनो ग्राह्यः। दत्तकचन्द्रिकायां दौहित्र भागिनेयानां दत्तक रूपेण ग्रहणं निषिद्धम्। तन्मते दौहित्रभागिनेयानां दत्तककरणे शूद्राः प्रभवेयुःन ब्राह्मणादयः। दत्तक-मीमांसायामपि ममूक्तौ (9.182) भ्रातृणामिति पुंस्त्व निर्देशात् पदद्वयोपादानसामर्थ्याच्च सोदराणां भ्रातृभगिनीनामपि परस्परं पुत्रग्रहीतृत्वाभावोऽवगम्यते। तदाह बृद्धगौतमः --ब्राह्मणादित्रये नास्ति भागिनेयः सुतः क्वचित्।

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28. *pitṛbandhu, mātṛbandhu* and *ātmabandhu* are technical terms in Smṛti meaning kinsman by the father's side, kinsman by the mother's side and one's first cousin. They are thus defined: पितुः पितुः स्वसुः पुत्राः पितुर्मातुः स्वसुः सुताः, पितुर्मातुल पुत्राश्च विज्ञेयाः पितृबान्धवाः मातुः पितुः स्वसुः पुत्राः मातुर्मातुः स्वसुः सुताः। मातुर्मातुसपुत्राश्च विज्ञेयामातृबान्धवाः॥

आत्ममातुः स्वसुः पुत्राः आत्मपितुः स्वसुः सुताः। आत्ममातुल पुत्राश्च विज्ञेया आत्म वान्धवाः॥ शब्दकल्पद्रुम। शूलपाणि सम्बन्ध विवेचक (Ed. J.B. Choudhury, p. 8, names मातृवन्धू, पितृवन्धु।

(11b) and also "son, grandson and great grandson or like them the son of the brother" in such sayings—equality of an *aurasa* son having been accepted, one need not say that a *dattaka* son should not be accepted when a nephew = brother's son exists. For in such separate case no restriction can be made. Herein lives the crux (seed). The wealth of a man dying without a male posterity upto the level of great grandson goes to his wife etc. when successors like wife, daughter, brother's son etc. survive and not to his brother's son. Getting the works like offering the *piṇḍa* (receiving the heritage) etc. which are the (exclusive) right/ duty of the son, done (by the nephew) will create great disparity. Where, however, the brother's son exists and not wife (daughter etc.)..... upto the brother, in such cases only, it has been decided that no *dattaka* son is to be adopted.

In the matter of adoption although *sapiṇḍa* relation, *sakalya* (belonging to the same family but distinct from *sapiṇḍa), samānodaka* and *sagotra* get preference even then in the presence of a brother's son it is he who gets preference.

And among the (prospective *dattakas*) separate *gotras* daughter's son, sister's son male of spring of[28] *pitṛbandhu, mātṛbandu*and *ātmabandhu*are preferable. In all cases, one without a defect like apostasy (loss of caste etc.)—is to be adopted.

(11b) "পুত্র, পৌত্র, প্রপ্রৌত্র বা তাহাদের মত ভ্রাতুষ্পুত্র—" ইত্যাদি বচনে ঔরসপুত্র ও ভ্রাতৃপুত্রের তুল্যত্ব বিধান করায়—ভ্রাতুষ্পুত্র থাকিলে দত্তক গ্রহণ উচিত নয় এইরূপ বলা যায় না। কারণ পুত্রের ক্ষেত্রে একপ্রকার, ভ্রাতৃপুত্রের ক্ষেত্রে অন্যপ্রকার এই স্বতন্ত্রনিয়ম করা যায় না। এখানে আলোচনার ইহাই বীজ — প্রপৌত্রপর্যন্ত পুত্রসন্তানরহিত ব্যক্তির পত্নী ও কন্যা থাকিলে এবং ভ্রাতৃপুত্র থাকিলে(ও) তাহার ধনে পত্নী ও কন্যাদেরই অধিকার, ভ্রাতৃপুত্রের নয়। সেই ভ্রাতৃপুত্রের দ্বারা পুত্রের করণীয় পিণ্ডদানাদি কার্য করিলে মহা বৈষম্য উপস্থিত হইবে। যেখানে পত্নী-কন্যা-ভ্রাতা পর্যন্ত কেহই নাই কিন্তু ভ্রাতুষ্পুত্র আছে সেক্ষেত্রে দত্তক গ্রহণ করা উচিত নয় ইহাই সিদ্ধান্তিত হইয়াছে।।

দত্তক হইবার যোগ্যতা ব্যাপারে সপিণ্ড-সকুল্য-সমানোদক সগোত্রই অধিক বাঞ্ছনীয়। সে স্থলেও যদি ভ্রাতুষ্পুত্র থাকে তবে সেই দত্তক হইবার যোগ্য [কারণ ভ্রাতুষ্পুত্র একাধারে সপিণ্ড- সকুল্য-সমানোদক সগোত্র] ভিন্ন গোত্রের মধ্যে দৌহিত্র-ভাগিনেয় পিতৃবন্ধু-মাতৃবন্ধু-আত্মবন্ধুদের সন্তানই দত্তক হইবার যোগ্য। [ইহা দত্তকমীমাংসা দত্তকচন্দ্রিকার মতের বিরোধী। কারণ তাহাদের মতে যাহার মাতাতে নিয়োগ সম্ভব এমন স্ত্রীর পুত্রকেই দত্তক নেওয়া যায়]।

21. मूलम्

(12A) (पिण्डाशौच) सम्बन्धेन सम्बन्धस्याभ्यर्हितत्वादिति दिक्। ननु दत्तकश्च स्वयं दत्तः कृत्तिमः क्रीत एव च। अपविद्धाश्च ये पुत्रा भरणीयाः सदैव ते।। भिन्नगोत्राः पृथकपिण्डाः पृथग्वंशकराः स्मृताः। जनने मरणे चैव त्र्यहाशौचस्य भागिनः---इति ब्रह्मपुराणादिवचने भिन्नगोत्रा इति विशेषणात् स्वगोत्र दत्तककरणे गोत्रभेदः कथं संगच्छते इति चेत भिन्नगोत्रादिपदानां विधेयत्वेन नायं दोषः। तथाचैते भिन्नगोत्रा भवन्ति एवं पृथक् पिण्डादयो बोद्धव्याः। भेदप्रतीतिस्तु पुरुषपरम्पराप्रसिद्धमादिपुरुष-ब्राह्मणात्मकं गोत्रपदाभिधेयं सगोत्रे तद्भेदस्तु जनकतानिबन्धनौतसर्गिकगोत्रात् पृथक् भूतानां जनकस्य गोत्रोल्लेख्यार्ह कर्म्मणे ग्रहीत्रनुयोगिकमेव गोत्रमुल्लेख्य--

दीप्तिः

(12a) भवदेवीये पिण्डाशौचसम्बन्धस्य आदरणीयतया नेदीयस्तया च एतादृशः निर्देशः कृतः। ब्रह्मपुराणवचनेन दत्तक-स्वयंदत्त-कृत्रिम-क्रीतापाविद्धरूप पुत्रपञ्चकस्य भिन्नगोत्रत्वं कथितम्। किन्तु नैतत् स्वगोत्रात् दत्तको न ग्राह्यः इति निषेधपरम्। भिन्न गोत्रादपि सति प्रसंगे दत्तको ग्रहीतुं शक्यते-इति आशयः। अतो न दोषः। दौहित्र भागिनेयास्तु भिन्नगोत्राः पृथकपिण्डाश्च। पिता, पितामहः, प्रपितामहश्च पिण्डभाजः बृद्धप्रपितामह-अतिबृद्धप्रपितामह-अत्यति-बृद्धप्रपितामहाश्च लेपभाजः इति षट्, पिण्डदाता च सप्तमः। समवायेन सापिण्डयं साप्तपौरूषम्, पृथकपिण्डेषु भागिनेयादयः सदा पार्वण श्राद्धं विदधते तदा मातामह-प्रमातामह-बृद्धप्रमातामहानामेव श्राद्धं विदधते न तु मातुलस्य। भातृपुत्रोऽपि तत् पितुः, पितामहस्य प्रपितामहस्य एव पिण्डं निर्वपति न तु पितृव्यस्य।

गोत्रं नाम आदिपुरूषः जमदग्निभरद्वाजप्रभृतिः। तेषां सन्ततिः तद्गोत्रभाक्। दत्तकग्रहणकाले दाता स्वगोत्रस्य-ग्रहीतृगोत्रस्य अर्थात् औत्सर्गिक गोत्रस्य उल्लेखपुरः सरं दद्यात्। यथा काश्यपगोत्रोऽहम् अमुकदेवशर्मा वातस्यगोत्राय अमुकदेवशर्मणे सम्प्रददामि इति। दत्तकविधौ-अनन्तरं ग्रहीतुर्गोत्रस्य उल्लेखेन क्रिया विधीयते।

(12a) Because the relation contingent upon *piṇḍa* and *aśauca* is more desirable. Dattaka, Svayamdatta, Kṛtrima, Krīta and Apaviddha—these five types of (secondary) sons are always to be maintained by subsistence, (although) belonging to separate gotras, offering separate *piṇḍas* and creating separate families—they observe impurity for three days in cases of birth & death (in the family of the adoptive father)—in this quotation from the *Brahmapurāṇa* there is an adjective *bhinnagotrā* (belonging to a different *gotra*) and how far that is justifiable—in the case of adopting a child from one's own *gotra*, how can there be a change of *gotra* ?

The answer is that since the expressions *bhinnagotra* etc. (in the above quotation from the *Brahmapurāṇa*) are predicatively used—there is no defect here. Thus, they (usually) belong to separate *gotras* and they offer seperate *piṇḍa*—this is to be understood.

In the matter of change of *gotra*—*gotra* is the name of the progenitor brahmin who as per tradition, established a particular family. When adoption is made from the same *gotra* that remains. When a change takes place—there the name of the *gotra* of the father is mentioned—in actions (as adoptions) requiring it and the name of the adopter is mentioned (and hence a change takes place).

(12a) কারণ পিণ্ডভাগিত্ব ও অশৌচভাগিত্বরূপ যে সম্বন্ধ তাহাই অধিকতর কাম্য। আচ্ছা, ব্রহ্ম পুরাণের বচনটিতে—"দত্তক, স্বয়ংদত্ত, কৃত্রিম, ক্রীত ও অপবিদ্ধ নামক পুত্রগণ সর্বদা ভরণ পোষণ যোগ্য— (তাহারা) ভিন্নগোত্রের, পৃথক্ পিণ্ডের ও পৃথক্ বংশের কারক, তাহারা জনন ও মরণজনিত অশৌচে তিনদিন অশৌচ পালন করে—"। ভিন্নগোত্র এই বিশেষণের দ্বারা গ্রহীতার সমান গোত্রের একজনকে দত্তক করিলে (দত্তকের) গোত্রভেদ হয় একথা কতদূর সঙ্গত?—এইরূপ বলিলে উত্তর এই যে 'না, দোষ হয় না, কারণ উক্ত বচনে ভিন্নগোত্র প্রভৃতি পদগুলি বিধেয়

(করণীয়) রূপে ব্যবহৃত—অর্থাৎ স্বগোত্র হইতে দত্তক করিবে না এইরূপ অর্থ হয় না। ইহার অর্থ সম্ভাব্যক্ষেত্রে ভিন্ন গোত্র হইতেও দত্তক নেওয়া যায়। তাই ইহারা ভিন্ন গোত্র ও পৃথক্‌পিণ্ডও হয় ইহা বুঝিতে হইবে। [দৌহিত্র ও ভাগিনেয় ভিন্নগোত্র ও পৃথক্‌পিণ্ড। ভাগিনেয় যখন পিণ্ড দেয় তখন মাতামহ, প্রমাতামহ ও বৃদ্ধ প্রমাতামহকে পিণ্ড দেয়, বি স্তু মাতুলকে নয়। আবার ভ্রাতুষ্পুত্র যখন পিণ্ড দেয় তখন পিতা, পিতামহ, প্রপিতামহের পিণ্ড দেয়, পিতৃব্যের পিণ্ড দেয় না]।

দত্তক গ্রহণে—পুরুষপরম্পরায় বংশের আদিপুরুষ যে ব্রাহ্মণ তাঁহার নামানুযায়ীই গোত্রের নাম হয়। নিজ গোত্র হইতে দত্তক গ্রহণে তাহাই থাকে। গোত্রভেদে পিতৃত্বজনিত নির্দিষ্ট গোত্র হইতে ভিন্ন হইলে জাতকের জনকের গোত্রের উল্লেখপূর্বক যে দত্তকক্রিয়া হয় তাহাতে গ্রহীতার নাম উল্লেখ পূর্বকই হয়।

22. मूलम्

(12B) अतएव पृथकपिण्डाः पृथग्वंशकराश्च भवन्तीति शेषः। अतएव गोत्ररिकृथे जनयितुर्नहरेद्दत्रिमः सुतः।[28a] गोत्ररिकृथानुगः पिण्डोव्यपैति ददतः स्वधा।। इति कालिकापुराणीयमाहात्म्यं तन्न्यायमूलम्। पृथक् पिण्डा इति दातृत्वभोक्तृत्वान्यतरसम्बन्धेन पिण्डसम्बन्धात् पृथक्भूताः। एवं जनकवंशेतरवंश-प्रवर्त्तका भवन्तीति हेतोर्जनयितुर्गोत्र रिकृथौ दानान्निष्पन्नः सुतो न हरेत् न प्राप्नुयादिति। अत्र च पुनः पृथक् पदोपादानमत्यन्त-विच्छेदसूचनार्थम्। अत्रापि वीजं दर्शयति-गोत्ररिकृथानुगेति। पित्रा हि गोत्रसम्बन्धेन धनसम्बन्धेन वानुगमो भवति। तच्च जनके नास्ति यातः (यतः) पुत्रं ददतो जनकस्य दत्तात् आत्मजात् स्वधा निवर्त्तते तथा पुत्रसम्बन्धोऽपीति। जनने मरणे इत्यत्र सूतके मृतके इति पाठस्तत्रार्थः

दीप्तिः

(12b) ततश्च तथाविधेन पुत्रेण जनयितुः श्राद्धादिकं न कार्य्यम्, न वा तस्माद्धनाहरणम्। जनकवंशेतरवंशप्रवर्त्तकास्ते भवन्ति। दातुश्च जनकस्य आत्मजात् गोत्रसम्बन्धो धनसम्बन्धो निवर्त्तते, पुत्रसम्बन्धोऽपि। कालिकापुराणीयमाहात्म्यं पुनरस्माभिर्नलब्धम्। वचनश्चेदं "गोत्ररिकृथे.......स्वधा" मनुसंहितायां (g.142) वर्त्तते।

28a. मुद्रिते मनुसंहितागंथे (9.142) सूतः स्थाले क्वचित् इति पाठोऽपि दृश्यते।

(12b) Hence the complete sentence means : 'those offering *piṇḍas* separately create separate families'. The saying of the *Kalikapurana-mahatmya* : "The *gotra* and the wealth of the father who gives away his son in adoption do not pass on to that adopted son and receiving of *piṇḍa* which is dependent upon passing on of the *gotra* and wealth cases to (be received by) the giver of sons in adoption"—is also therefore based on the same principle. Svadhā means the *piṇḍas* etc. offered to the manes.

Pṛthakpiṇḍa means separated from *piṇḍa*-caused-relationship related either as a receiver or as a giver. So, for the reason that they create a family other than the one to which the father belonged, the sons given in adoption do not receive the *gotra* and wealth of their (natural) fathers.

Here again, the use of the word *pṛthak* is intended to signify total separation (of the father and his natural son given in adoption). Here also the main point is shown by the expression : '*gotra-rikthanugaḥ*'—affinity with the procrator rests on getting either his gotra or his wealth. That has ceased in the father because after giving away the son the father ceases, to get *piṇḍa* from and to give wealth to the son and there is ceseation of father and son relationship also.

There is a variant reading : '*sūtake mṛtake ca*' in the place of '*janane maraṇe*—'; there the meaning is:

(12b) তাই পৃথক্ পিণ্ডদাতা পৃথগ্ বংশকর হয় এইভাবে বাক্যশেষ হয়। জনকের গোত্র ও ধনসম্পদ দত্তকপুত্র পাইবে না। গোত্রলাভ ও ধনলাভকারক যে পিণ্ডদান তাহা পুত্রদানকারী হইতে অপগত হয়। (অর্থাৎ তাদৃশ পুত্রের পিণ্ড তাহার জনক পিতা পায় না) ইত্যাদি কালিকা পুরাণ মাহাত্ম্যের বচনও এই ন্যায়মূলক। স্বধা শব্দের অর্থ মৃত পিতৃগণের উদ্দেশে প্রযুক্ত (শ্রাদ্ধাদি)।

পৃথক্পিণ্ডঃ ইহার অর্থ পিণ্ডদাতা ও পিণ্ডভোক্তা ইহাদের যেকোনও একটির সম্বন্ধের দ্বারা পিণ্ডদান বা গ্রহণ হইতে বিচ্ছিন্ন।

এইরূপে জনকের বংশ হইতে অন্যবংশের প্রবর্ত্তক হয় (যে গোত্র প্রবর্ত্তক ঋষি তজ্জ ন্য) গোত্রান্তর হয়। এইরূপে জনয়িতার রিক্থ ও গোত্র দাননিষ্পন্ন যা অন্যের দ্বারা দত্তকরূপে গৃহীত পুত্র পায় না। এই পূর্বোক্তবচনে পৃথক্ এই পদটি গ্রহণের দ্বারা দাতা (পিতা) ও দত্ত পুত্রের মধ্যে সম্পূর্ণ বিচ্ছেদ বুঝা যায়। সেখানেও বীজ

প্রদর্শন করা হইতেছে—গোত্ররিক্‌থানুগ শব্দের দ্বারা। পিতার সহিত ধনসম্বন্ধে বা গোত্র সম্বন্ধে পুত্রের সম্বন্ধ—তাহা জনক পিতাতে আর নাই কারণ পুত্রকে দান করিয়া জনকপিতার দত্ত আত্মজ হইতে স্বধা বা পিণ্ডপ্রাপ্তি নিবারিত হয় এবং পুত্রদের ধনপ্রাপ্তি ও নিবারিত হয়। "জননে মরণে" (পূর্বে উল্লিখিত—জননে মরণে চৈব ত্র্যহাশৌচস্য ভাগিনঃ-শ্লোকে) ইহার স্থলে (কোথাও কোথাও) 'সূতকে মৃতকে' এইরূপ পাঠ পাওয়া যায়, তাহার অর্থ—

23. मूलम्

(13A) जनने ज्ञाति जनने, मरणे ज्ञातिमरणे (सूतके ज्ञातिजनने, मृतके ज्ञातिमरणे) दत्तकस्य दत्तकमरणे पित्रादिसपिण्डानां त्रिरात्रम्। अत्र यद्यपि पितापुत्रपदयोः सम्बन्धिमात्रबोधकत्वात् ज्ञातीनां तन्मरणादि प्रयोज्याशौचसम्वन्धो न भवितुमर्हतीति प्रतीयते तथापि वक्ष्यमाणमन्वादिवचनेषु वन्धुपदगोत्रभाज(क्?) त्वादिपदोपादानात्तेषाम् अप्यशौचसम्बन्धोऽस्तीति भाव्यम्। तच्च सगोत्रदत्तकेऽपि वचनवलात् मातापित्रोस्त्रिरात्रं, तदस्य सपिण्डेषु तदधिकाशौचकल्पने मूलभूतश्रुत्यन्तरकल्पनया विधिद्वैरूप्य सिद्धेस्तेषामपि त्रिरात्रमेव। यथा त्रिरात्रानुवृत्तौ विष्णुः (xxii, 42-43) अनौरसेषु[29] पुत्रेषु स्वभार्य्यास्वन्यगासुचेति। तथा परपूर्व्वासु भार्य्यासु पुत्रेषु कृतकेषु। त्रिरात्रं स्यात्तथाचार्य्यस्वभार्य्यास्वन्यगासु चेत्यादिवचनात्। अत्र परपूर्वासु भार्य्यासु अनौरसेषु पुत्रेषु च यत् प्रतियोगिकभार्य्यात्वं पुत्रत्वञ्च

दीप्तिः

(13a) तस्यामवस्थायामेको विषमशिष्टदोष आयाति। यथा दत्तकपुत्रस्य मरणे ग्रहीतुः तत्पत्न्याश्च त्रिरात्रमशौचम्। ग्रहीतुः तत्पत्न्याश्च मरणे दत्तकस्य त्रिरात्रमशौचम्। किन्तु दत्तकजातस्य पुत्रस्य मरणे ग्रहीतुस्ततत्पत्न्याश्च दशरात्रमशौचम्। दत्तकग्रहीतुः तत्पत्न्याश्चमरणे तत्सपिण्डानां पुनः पूर्णाशौचव्यवस्था। दत्तकगृहीतो यः पुत्रः तस्य

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29. आचार्ये मातामहे च व्यतीते त्रिरात्रेण—। अनौरसेषु पुत्रेषु जातेषु च मृतेषु च। परपूर्वासु भार्यासु प्रशूतासु मृतासु च।। विष्णु धर्मसूत्रम् ।।xxii, 42-43. अग्रेऽपि fol 32bपृष्ठायां सूत्रद्वयमुद्धृतम्। तेन च प्रक्षिप्तोऽयमंसोऽत्र निबन्धे इति सन्देहोऽपि आपतति—इति दोषज्ञाः केचित्।।

पुत्रस्य मरणे सर्वेषामेव पूर्णाशौचम्। औरसव्यतिरिक्तानां पुत्रानां क्षेत्रे इयमेव व्यवस्था। यतो दत्तकेन सह ग्रहीतुः त्रिरात्राशौचव्यवस्था, अतो ग्रहीतुः ज्ञातीनां मरणेऽपि दत्तकस्य त्रिरात्रमशौचम्। विष्णुवचनम्-अत्रमुद्रित विष्णु सूत्र (Madras Edn. 1964 ग्रंथस्थ xxii, 42-43) सूत्रद्वयस्य रूपान्तररूपेण निबन्धकारः प्रदत्तवान् अनौरसेषु पुत्रेषु इत्यादिकम्। परपूर्वासु अर्थात् नियोगप्राप्तासु भार्यासु। नियोगजस्तु स्वमातुः पत्युः क्षेत्रजपुत्रः। यत् प्रतियोगिकं भार्यात्वम्–इति। यः प्रतियोगीसम्बन्धी यस्य भार्यात्वस्य पुत्रत्वस्य सम्बन्धः तस्यैव। अत्रायमभिसन्धिः–

(13a) *janane* i.e. in the event of the birth of cognate kinsmen and *maraṇe* i.e. in the death of such kinsmen (impurity of the) adopted son and in the case of death of the adopted son (impurity of the) adoptive father (and mother also) and his kinsmen will be for three days. Here (in the statement) although the expression father and son mean only words indicating relationship (of father and son only) the impurity caused by death etc. of such person should not extend to the kinsmen—this sense is apparent even then in the forthcoming statements of Manu and others,—the use of word like *bandhu* (kinsmen), *gotrabhāg* (belonging to the same *gotra*) indicate that such relations also have connections where impurity can be attached (in such contingencies).

That, as per statements made, applies to the adopted son taken from the same gotra, to the parents (adoptive) impurity for three nights, the same applies to their *sapiṇḍas*. If impurity for more days is to be presumed, a supporting separate Vedic authority is to be imagined and in that although the twofold nature of the injunction authority is obtained—even then impurity for three nights is agreed upon. For example, in the context of (impurity for) three nights *Viṣṇu-dharma-sūtra (=Viṣṇusmṛti)* has : in the case of death of sons other than the natural one, of wives gone to others, *parapūrvā* wives (who have been allowed to join in levirate) and of adopted sons impurity is for three nights and also the same in the case of preceptors and own wives from different castes.

In this statement—*parapūrvā bhāryā*, an *aurasa putra*—means the person on whom the relation stands—i.e. the husband, (the adoptive) father—and therefore impurity attaches to him and to none else.

(13a) জননে অর্থাৎ জ্ঞাতির জন্মে, মরণে অর্থাৎ জ্ঞাতির মরণে দত্তকের ত্রিরাত্র অশৌচ এবং দত্তকের মৃত্যু হইলে গ্রহীতা পিতার ও তাহার সপিণ্ডদের ত্রিরাত্র অশৌচ। এস্থলে যদিও পিতা ও পুত্র এই দুইটি পদ পিতার পুত্র, পুত্রের পিতা এইরূপ সম্বন্ধবান্ বলিয়া জ্ঞাতিদের দত্তকমরণজনিত অশৌচপাত হওয়া উচিত নয় এইরূপ মনে হইতে পারে তথাপি বক্ষ্যমাণ মনু প্রভৃতির বচনে বন্ধু, গোত্রভাক্ ইত্যাদি পদ গ্রহণ করা হইয়াছে বলিয়া তাহাদেরও (=সপিণ্ডদেরও) অশৌচ সম্বন্ধ আছে ইহা বুঝিতে হইবে। এবং সেই (অশৌচসম্বন্ধ) স্বগোত্র দত্তকেও (আছে এই) বচন বলে মাতা ও পিতার ত্রিরাত্র, তাহাদের সপিণ্ডেও তাহাই। তাহার অধিক অশৌচকল্পনা করিতে হইলে সঠিক আর একটি মূলস্বরূপ শ্রুতিকল্পনার দ্বারা বিধির বৈরূপ্য সিদ্ধ হইলেও তাহাদেরও ত্রিরাত্রই।

যথা—ত্রিরাত্র অশৌচ-এর অনুবৃত্তিতে বিষ্ণুস্মৃতি (XXII, 42-43) অনৌরস পুত্র, অন্যগামিনী নিজভার্যা, পরপূর্বা ভার্যা ও কৃচকপুত্র—ইহাদের ত্রিরাত্র অশৌচ—তাহাই আচার্য, অন্যজা ভার্যা ও স্বভার্যার মরণে। এখানে পরপূর্বা (বা নিয়োগ প্রাপ্তা) ভার্যাতে, অনৌরস পুত্রতে—ইত্যাদি বচনে যাহার সম্বন্ধে ভার্যা, যাহার সম্বন্ধে পুত্র তাহারই অশৌচ—

24. মূলম্

(13B) तस्यैव त्र्यहाशौचं नान्येषामिति[30]। एतेन भिन्नगोत्रा इत्युद्देश्य विशेषणं प्रकल्प्य तत्र त्रिरात्रं सगोत्रे सम्पूर्णमशौचमिति निरस्तम्। सूतकेषु चेति चकारात् औरसेतर (परिग्रहः) ननु गोत्रपदस्य ब्राह्मणपरत्वे किं मानम्। सत्त्वेऽपि क्षत्रियादीनां वा कथं गोत्रोल्लेखः सम्भवति, तेन च गोत्रोल्लिखित-श्राद्धतर्पणादावनधिकारापत्तेः। अत्रोच्यते गोत्रपदं ब्राह्मणे शाक्तं (=शक्तं), क्षत्रियादौ त्वातिदेशिकम्। गोत्रप्रवर्त्तकान् मुनीनाह-जमदग्निर्भरद्वाजा विश्वामित्रोऽत्रि गोतमाः। वशिष्ठकाश्यपागस्त्यामुनयो गोत्रकारिणः॥ तथा-शाण्डिल्यवात्स्य सावर्ण भरद्वाजश्च मुद्गलः। व्याघ्रपादः शुनःशेफो गर्गाद्या गोत्रकारिणः। एतेषां यान्यपत्यानि तानि गोत्राणि मन्यते इत्यादि ऋष्युक्तिः। शण्डिल्यो गोत्रं यस्य

30. आदर्शे—"नान्येषामिति रुद्रधरः" इति अधिकः पाठो लब्धः, स च प्रक्षिप्त इति मन्वानैरस्माभिः परित्यक्तः। तत्र टीका द्रष्टव्या।

दीप्तिः

(13b) रामेणापुत्रेण स्वपत्नी श्यामेन नियोजिता। रामेणैव तस्याः भार्यात्वसम्बन्धः, न तु श्यामेन-तेन सह केवलम् उत्पादकत्व सम्बन्धस्य सिद्धेः। रामस्य मरणे श्यामस्य वा मरणे अत्र नियोगजातक्षेत्रजस्य त्रिरात्रमशौचम्। उत्पादकेन सह तन्नार्याः भार्यात्व विपरीतसम्बन्धो हि-यत्प्रतियोगिकं भार्यात्वम् इत्यादिना उपन्यस्तम्। तन्नार्याः उत्पादकस्य च मरणे त्र्यहाशौचम्-इति हि कस्यापि स्मार्त्तस्य रुद्रधरस्य मतम् इति केचित्। मैथिलेषु स्मार्त्तेषु द्वौ रूद्रधरौ आस्ताम्। प्राचीनस्य ग्रन्थाः नोपलभ्यन्ते। अर्वाचीन मैथिलरुद्रधरस्य वर्षकृत्य-श्राद्धविवेक शुद्धिविवेकाख्याः ग्रन्थाः लभ्यन्ते। तत्र शुद्धिविवेकग्रन्थे नायमाशय आलोच्यत्वेन गृहीतः। गृहीते सत्यपि भट्टभवदेवात् प्रायः शताब्दीत्रयमितकालेन अर्वाग् जातत्वात् रुद्रधरस्य– तदुल्लेखः भवदेवेन काल विपर्ययदोषमुत्पादयेत् इति मत्वा प्रक्षिप्तोऽयमंशः लिपिकरप्रमादपाठमावहति इति हेतोः तन्नाम परित्यक्तम्। अनेन च स्वगोत्रीयेनोत्पन्नस्य क्षेत्रजपुत्रस्य पूर्णाशौचव्यवस्था निराकृता। प्रसंगोऽयमग्रेऽपि आगमिष्यति इति अत्र एतावत्पर्यन्तमस्तु।

गोत्रं नाम न केवलं ब्राह्मणानामेव, क्षत्रियवैश्ययोरपि, तत्तत्पुरोहितगोत्रभागित्वात्। गोत्रप्रवर्त्तकमुनेर्व्यावर्त्तको मुनिगण एव प्रवरपादभाक्। क्षत्रियवैश्ययोर्गोत्रमतिदेशेन लभ्यते, ब्राह्मणानां तुपदिष्टम्। अतः क्षत्रियवैश्ययोः उपदिष्टातिदिष्टता गोत्रस्य। शूद्राणां पुनः अतिदिष्टातिदिष्टगोत्रता। अतस्तेषां स्वगोत्रविवाहे न दोषः।

(13b) for such persons only impurity lasts for three days and not for others. By this the expression '*bhinnagotrāḥ*' as *adjective of the subject*, 'impurity in that case lasts for three days' and the vices that "for a son born of levirate full impurity is to be observed" is thus refuted. By the conjunction particle '*ca*' in '*sūtakeṣu ca*' we are to understand the sons other than the *aurasa* (i.e. the secondary sons). Now, (a question is) why the word '*gotra*' should invariably mean a brahmin? What is the sanction behind it ? and if that is so, how the *gotra* of Kṣatriya or Vaiśya should be determined and if such people have no *gotra*) they are debarred from performing Śrāddha, *tarpaṇa* etc. where *gotra* is to be mentioned. Here it is said—The word *gotra* is primarily expressive of a brahmin and in the cases of Kṣatriya etc. it is used in extended sense *(atideśa)*. The sages who started *gotra* are : Jamadagni, Bharadvāja, Viśvāmitra, Atri, Gotama, Vaśiṣṭha, Kāśyapa, Agastya, Śāṇḍilya, Vātsya, Sāvarṇa, Mudgala, Vyāghrapāda,

Śunaḥ Śepha, Garga and others. The descendants of these are known as belonging to these respective gotras. This is the saying of sages. Sāṇḍilya gotra (means one born in the lineage of Śāṇḍilya) –

(13b) তাহাদেরই তিনদিনের অশৌচ, অন্যদের নয়। ইহার দ্বারা 'ভিন্ন গোত্রাঃ' ইহাকে উদ্দেশ্য বিশেষণ কল্পনা করিয়া সেক্ষেত্রে ত্রিরাত্র অশৌচ (বিহিত হইল এবং) সগোত্রের (দ্বারা উৎপন্ন ক্ষেত্রজাদি পুত্রের) পূর্ণাশৌচব্যবস্থা নিরস্ত হইল। সূচকেষু চ' এই বচনে স্থিত চ-কার দ্বারা ঔরস ভিন্নপুত্রদের গ্রহণ।

আস্থা-গোত্রপদটির দ্বারা কেবলমাত্র ব্রাহ্মণকে বুঝায় ইহার প্রমাণ কি? তাহাই যদি হয় তবে ক্ষত্রিয় প্রভৃতির গোত্রের উল্লেখ কিভাবে হয় এবং (ক্ষত্রিয়দের গোত্র না থাকিলে) তাহার ফলে শ্রাদ্ধ তর্পণ প্রভৃতি ক্রিয়ায় তাহাদের অধিকার কিভাবে জন্মাইবে? এক্ষেত্রে বলা যায়—গোত্র[31] পদের শক্তি (=অর্থ) ব্রাহ্মণকেই বুঝায়। ক্ষত্রিয় বৈশ্যদের গোত্র অতিদেশ (=অর্থপ্রসারণ) দ্বারা বুঝায়। গোত্র প্রবর্ত্তক মুনিদের নাম— জমদগ্নি, ভরদ্বাজ, বিশ্বামিত্র, অত্রি, গোতম, বশিষ্ঠ, কাশ্যপ ও অগস্ত্য—এই মুনিগণ গোত্রকারী। অনুরূপভাবে শাণ্ডিল্য, বাৎস্য, সাবর্ণ, ভরদ্বাজ, মুদ্‌গল, ব্যাঘ্রপাদ, শুনঃশেফ, গর্গ প্রভৃতি মুনিরাও গোত্রকারী। এই মুনিদের যাহারা অপত্য তাহাদের গোত্র মনে করা হয়। শাণ্ডিল্য গোত্র যাহার সে—

25. मूलम्

(14A) सः । अत्र सगोत्रशब्दोऽपि गोत्रवाचीत्यन्ये तत्र प्रमाणं न विद्मः, परञ्च–"गोत्रं स्मरन्ति सर्वत्र गोत्रस्याक्षय्यकर्म्मणि। गोत्रस्तु तर्पणे प्रोक्तः कर्त्ता एवं न मुह्यति।"[32] इति। "अमुकामुक गोत्रैतत् तुभ्यमन्नं स्वधानमः" इति,

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31. পাণিনি বলেন—অপত্যং পৌত্র প্রভৃতি গোত্রম্ (4.1.162)—অর্থাৎ পৌত্র প্রভৃতি বংশধরের গোত্র সংজ্ঞা হয়। কিন্তু পুত্রের গোত্র সংজ্ঞা হয় না। পুত্রকে অনন্তরাপত্য বলা হয়। পৌত্র প্রভৃতিও পিতামহাদিকে নরক হইতে উদ্ধার করে বলিয়া তাহারা গোত্র সংজ্ঞক। আবার পিতা প্রভৃতি যদি জীবিত থাকেন তবে পৌত্রাদির অপত্যকে যুবা বলা হয়— ('জীবতি তু বংশ্যে যুবা'— 4.1.163) তাহাদের গোত্র সংজ্ঞা হয় না। বলা বাহুল্য যে ধর্মশাস্ত্রের গোত্র শব্দশাস্ত্রের গোত্র হইতে ভিন্ন। তালিকাতে ভরদ্বাজ গোত্রের নাম দুইবার আছে। পৃষ্ঠা ১ 4a হইতে আমরা জানিতে পারি যে একটি ভরদ্বাজগোত্রের তিনটি প্রবর (ভরদ্বাজ, আঙ্গরস, বার্হস্পত্য) আবার আর একটি ভরদ্বাজ গোত্রের পঞ্চপ্রবর।

32. गोत्रं स्मरान्तं सर्वत्र गोत्रस्याक्षय्यकर्म्मणि ।
गोत्रस्तु तर्पणे प्रोक्तः कर्त्ता एवं न मुह्यति ॥ उद्वाहतत्त्व (P. 7) धृतं गोभिलवचनम्।

"समानगोत्रप्रवरां समुद्वाह्योपगम्य च। तस्यामुतपाद्य चाण्डालं ब्राह्मण्यादेव हीयते"॥[33] इत्यादिषु गोत्रमात्राभिधानाच्च। प्रवरश्च(श्च)त्वन्यस्य गोत्रप्रवर्त्तकमुनेर्व्यावर्त्तको मुनिगणः। व्यावर्त्तकत्वञ्च इतरभेदानुमापकत्वं तत्त्वञ्च स्वीयप्रवरत्वव्यापकप्रवरत्वं यथा त्रिप्रवरभरद्वाजात् पञ्चप्रवरभरद्वाजो भिन्नः। प्रवरमाह स्कन्दपुराणे--"एकं वेदं स्वशाखाम्वा समधीयेत यैः सह। धर्म्मान् प्रकाशते धत्ते ते हि तत् प्रवराः स्मृता इति। योहि कुलपतिर्गोत्रकारी"मुनिश्च एकं कृत्स्नं वेदं--

दीप्तिः

(14a) सगोत्रं नाम सजातीय गोत्रं, सदृशगोत्रं न तु एकगोत्रम्। गोत्र सगोत्रयोरेकार्थकत्वे नास्ति विनिगमना। अत्र वहूनि वाक्यानि मूले उद्धृतानि येषु केवलं गोत्रशब्दस्यैव प्रयोगः। यथा गोत्रं स्मरन्ति इत्यादिकं गोभिलवचनरूपेण उद्वाहतत्वे धृतम्। समानगोत्र प्रवराम् इत्यादिकमापस्तम्ववचनं--आचारमाधवे तथा मदनपारिजाते लब्धम् उद्वाहतत्त्वे च उद्धृतम्। एकगोत्रेष्वपि प्रवरभेदः क्वचिद् वर्त्तते। तद्यथा केषाञ्चिद् घृतकौशिकगोत्रीयानां कुशिक-कौशिक घृतकौशिकप्रवराः। अन्येषां घृतकौशिकानां कौशिक कुशिक बन्धुलाश्च प्रवराः। एवं त्रिप्रवरभरद्वाजात् पञ्चप्रवर भरद्वाजो भिन्नः, अतो गोत्रप्रवरयोः पृथक् निर्देशः। आपस्तम्बवचने सगोत्रासमानप्रवराग्रहणमविवाह्यस्त्री-मात्रोपलक्षणम् इति उद्वाहतत्त्वधृता प्रायश्चित्तविवेकव्यवस्था।

अधुना स्कन्दपुराणात् प्रवरपदार्थमाह-एकं वेदमित्यादि-कुलपतिस्तु-"मुनीनां दशसाहस्रं योऽन्नदानादिपोषणात्। अध्यापयति विप्रर्षिरसौ कुलपतिः स्मृतः"- इत्यादि प्रसिद्धः।

(14a) Here according to some, the word *sagotra* is synonymous with *gotra*, but we have no evidence in support of that. Rather in the statements "they remember the *gotra* always in works meant for perpetuating the *gotra*, the word *gotra* is used in *tarpaṇa* and the performer does not lapse while doing so", and (you departed manes) having such and

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33. **वचनविदमापस्तम्बीयं स्मार्त्तभट्टाचार्य्येण तादृक्तया स्वीकारात्, स्वकीये उद्वाहतत्त्वे (पृ-४) कालमाधव-मदनपारिजातधृतापस्तम्ववचनस्यास्य उद्धाराद्य।**

such *gotras*, this rice-ball is to you and salutation to you and "Marrying a girl of the same gotra and *pravara* and procreating a Caṇḍāla in her loses brahminhood" only the word *gotra* is used.

(*Pravara* is a chief ancestor), *Pravaratva* (or *Pravarahood*) is that group of sages that distinguishes from the sage starting another *gotra*. The differentia *(vyāvartaka)* is that—it pervades or covers one's own *pravara* and it differentiates from others (having different *parvaras*)—i.e. one belonging to the Bharadvāja *gotra* of three *pravaras* is distinguished from one of the same Bharadvājagotra but with five *pravaras*.

In the *Skandapurāṇa pravara* is thus postulated : The persons, with whom one Veda entirely or one's own Vedic branch or recension is studied completely (under a common teacher) and the Vedic *dharma* is preached and practised, belong to the same *pravara* as the man who does it.

(14a) এখানে সগোত্রশব্দটিকে গোত্রের পর্যায় বা সমার্থক শব্দ এমন কেহ কেহ বলেন। (কিন্তু) সে বিষয়ে আমরা কোনও প্রমাণ পাই না বরং (গোভিলের বচন, যাহা পরবর্ত্তীকালে রঘুনন্দনের উদ্বাহতত্ত্বে উদ্ধৃত অনুযায়ী) "গোত্রের চিরস্থায়িত্বাপাদক কর্মসমূহে গোত্রের উল্লেখ করা হয়, তর্পণে গোত্রের উল্লেখ করা হয়। এইসব কর্মের কর্ত্তা কখনও মোহগ্রস্ত হয় না।" "অমুকামুকগোত্র (পিতৃপুরুষ) আপনার উদ্দেশ্যে এই অন্ন স্বধামন্ত্র সহ প্রযুক্ত আপনাকে প্রণাম"। "সমানগোত্রের ও সমানপ্রবরের কন্যাকে বিবাহ করিয়া তাহাতে উপগত হইয়া সন্তান উৎপাদন করিলে জাতপুত্র চণ্ডাল হয় ও উৎপাদনকারী ব্রাহ্মণ্য হইতে পতিত হয়"—ইত্যাদি স্থলে কেবলমাত্র গোত্রের উল্লেখ আছে (সগোত্রশব্দের নয়)।

প্রবরশব্দের অর্থ হইল লোকের গোত্রকারী মুনি হইতে ভিন্নতা আপাদক মুনিগণ। ব্যাবর্ত্তকত্ব বা ভেদক হইল অন্যের হইতে পৃথকত্ব প্রকাশক—এবং উহা নিজ প্রবরত্বের ব্যাপক এমন প্রবরত্ব। যেমন ত্রিপ্রবর ভরদ্বাজ হইতে পঞ্চপ্রবর ভরদ্বাজ ভিন্ন (যদিও গোত্র নাম একই)।

স্কন্দপুরাণে প্রবর বিষয়ে বলা হইয়াছে—যাহাদের সহিত একটি বেদ অথবা নিজ বেদ শাখা (সম্পূর্ণভাবে) অধ্যয়ন করিয়া বেদোক্ত ধর্মধারণ করা হয়, প্রকাশ করা হয় তাহারা এক প্রবর। যে কুলপতি ও গোত্রকারী মুনি একটি (অর্থাৎ নিজের) বেদ সম্পূর্ণভাবে অথবা নিজ বেদশাখা—

26. मूलम्

(14B) स्वीयशाखां बाधीत्य यैर्मुनिभिः सह तद्वेदोक्तो धर्म्मान् स्वयमनुष्ठानद्वारा प्रकाश(य)ते तद्वेदार्थानुभवद्वारा वा स्मृत्यादिग्रंथान् धत्ते करेणेति ते मुनयस्तस्य मुनिकुलपतेः प्रवराः परिवाराः तद्वंशीयतुल्य-नामकान्तरव्यावर्त्तका इत्यर्थः। प्रकृते तु क्षत्रियवैश्ययोः पौरोहित्यं राजन्यविशां प्रवृणी[34]तेति गृह्यसंग्रहात् पुरोहित गोत्रेणैव गोत्रभागित्वम्। शूद्रस्य तु वैश्यवच्छौच कल्पश्च द्विजोच्छिष्ठस्य भोजनम्[35] (मनु 5.140) इत्यनेन वैश्यधर्म्मातिदेशात् स्नान-तर्पण-श्राद्धादावनिषिद्धा (द्ध) त्रैवर्णिकाचार विधानात् तत्र कर्म्मसु गोत्रोल्लेख-स्यावश्यकत्वादतिदिष्टातिदिष्ट गोत्रभागित्वं सिद्धयति। एवञ्च सगोत्राविवाहोऽपि शूद्रस्य सम्भवति इति। सगोत्राविवाहनिषेधस्तू-पदिष्टाति--

दीप्तिः

(14b) अतः प्रवराः तत्तद्गोत्राणां मुख्यपुरुषाः गोत्रकारिणाञ्च परिवारभूताः अन्तरंगाः। तद्वारेनैव समाननामयुक्तयोः गोत्रयोः व्यवच्छेदनम्। ब्राह्मणानां गोत्रम् उपदिष्ठम्। क्षत्रियवैश्ययोः उपदिष्ट गोत्रभाक्त्वाभावात् तयोः गोत्रनिरूपणप्रकारमाह आश्वलायन-श्रौतसूत्रादीननुसृत्य-पौरोहित्यं राजन्यविशाम् इत्यादि। मूले गृह्यसंग्रहपदेन श्रौतसूत्रस्यात्र ग्रहणम्। तेन पुरोहितगोत्रस्यैव यजमानक्षत्रियवैश्येषु अतिदेशः। अतस्ते उपदिष्टातिदिष्टगोत्रभाजः। शूद्राणां कार्यमिति कृत्यानां कर्त्तरिवेति कर्त्तरि षष्ठी। यथा शास्त्रव्यवहारिभिः द्विजश्रुषकैः शूद्रैः मासि मासि मुण्डनं कार्यम्। वैश्यवच्च मृतसुतकादौ शौचकल्पोऽनुष्ठातव्यः। द्विजोच्छिष्ठञ्च भोजनं भुज्यत इति भोजनं कार्यमिति-कुल्लुकभट्टाः।

(14b) [The Kulapati], from whom a particular *gotra* starts and who is a sage in disposition, studying one Veda

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34. अत्रद्रष्ठव्यम्--आश्वलायनश्रौतसूत्रम् I.3 (पौरोहित्यं राजन्यविशां प्रवृणीते इत्यादि) मिताक्षरा — on याज्ञवल्क्य- 1.53. अस्मिन् प्रसंगे उद्वाहतत्त्वसम्पादकेन (उद्वाहतत्त्वम्) Cal Sanskrit College Publication 1963) कथितम्– 'The idea is taken from Sambandha Viveka', –p.8. असमीचीनम् इवाभाति। एतत्सम्बन्धविवेक कर्त्तुः शुलपाणेः अपरस्य सम्बन्धविवेकस्यकर्त्तुः भट्टभवदेवादर्वाक् कालप्रसूतत्वात्।

35. शूद्राणां मासिकं कार्यं वपनं न्यायवर्त्तिनाम्। वैश्यवच्छौच कल्पश्च द्विजोच्छिष्टञ्च भोजनम्॥ मनु 5.140.

completely or studying one's own Vedic recension in the company of other sages and then with them propagates the *dharma* as realised from that Veda by himself practising them and by the realisation of the import of that Veda preparing books on Smṛti etc. based on them places then in hand, his (student) sages become the pravara or parivāra or family members of him (that Kulapati) (and these *pravaras*) differentiate between (*gotras)* having same name.

Contextually, for ascertaining the gotra of the Kṣatriya and the Vaiśya it is said in the Gṛhya—compilation texts—(a brahmin) accepts the priestly assignment under Kṣatriyas & Vaiśyas and therefore the latter's *gotra* (name) is taken from their priest's. In the case of Śūdra, however, "for the Śūdras, the rules of *śauca* are like those of a Vaiśya and they are to subsist on what has been left over after eating by the twice born"—by such statements (of Manu, 5.140) the duties of the Vaiśyas having been extended to the Śūdras, and in matters of *snāna, tarpaṇa, śrāddha* etc. the niceties of procedure of the three upper castes not forbidden having (also) been extended to the Śūdras and since in ritual works mention of *gotra* is necessary, their *gotra* (ie. the *gotra* of the Śūdras) is (technically) *atidiṣṭātidiṣṭa* (i.e. their *gotra* comes by extension or *atideśa* of the *gotra* of the Vaiśya, which itself is extended from the *gotra* of the priest of the latter). Therefore the marriage of a *sagotrā* bride even is allowed for a Śūdra. For marriage within the same *gotra* is forbidden for (Vaiśyas & Kṣatriyas whose) *gotras* which are *upadiṣṭātidiṣṭa*

(14b) যে মুনিগণের সহিত অধ্যয়ন করিয়া সেই বেদোক্তধর্মের স্বয়ং অনুষ্ঠান দ্বারা প্রকাশ করেন অথবা সেই বেদের (বা বেদশাখার) অর্থ অনুভব করিয়া স্মৃতি প্রভৃতি গ্রন্থ হস্তে ধারণ করেন—সেই মুনিগণ তাদৃশ কুলপতি মুনির প্রবর—তাঁহার পরিবারস্থ, একবংশের, একই নামযুক্তদের ভেদক।

ক্ষত্রিয়বৈশ্যদের প্রসঙ্গে ক্ষত্রিয় ও বৈশ্যদের পুরোহিত পদ (ব্রাহ্মণ) স্বীকার কর ইত্যাদি গৃহ্য সংগ্রহগ্রন্থে যাহা বলা হইয়াছে তাহা হইতে—পুরোহিত গোত্র হইতেই ক্ষত্রিয় বৈশ্যদের গোত্রলাভ হয় (কারণ ব্রাহ্মণদের গোত্র উপদিষ্ট—, তাহা অতিদেশ দ্বারা পাওয়া যায় বলিয়া ক্ষত্রিয় বৈশ্যদের গোত্র উপদিষ্টাতিদিষ্ট)। শূদ্রদের ক্ষেত্রে মনূক্ত (5.140)—বৈশ্যদের মত শৌচনির্ধারণ ও দ্বিজোচ্ছিষ্টের ভোজন (নির্দিষ্ট হওয়ায়) বৈশ্যদের ধর্মের অতিদেশ (—শূদ্রদের ক্ষেত্রে প্রসারিত) হওয়ায় স্নান,

তপর্ণ, শ্রাদ্ধাদিতে (শূদ্রের পক্ষে) অনিষিদ্ধ ত্রৈবর্ণিকাচার (বা ব্রাহ্মণ ক্ষত্রিয় বৈশ্যের আচার) বিহিত হইয়াছে বলিয়া, (এবং) অনুষ্ঠেয় তত্তৎ কর্মে গোত্রের উল্লেখ আবশ্যক বিধায়—তাহাদের গোত্র অতিদিষ্টাতিদিষ্ট রূপে সিদ্ধ হয়। তাই শূদ্রদের সগোত্রা বিবাহও সম্ভব। কারণ সগোত্রাবিবাহ উপদিষ্ট ও উপদিষ্টাতিদিষ্ট গোত্রভাগীদেরই নিষিদ্ধ।

27. मूलम्

(15A) दिष्टगोत्रस्यैव नत्वतिदिष्टातिदिष्ट गोत्रस्येति वहवः, वस्तुतो वचनाभावान्नैतत् (–न्नैषः) साधीयः क्रमः – इत्यलं प्रपञ्चेन॥
अथेदानीं दत्तकपुत्रप्रसंगाद् द्वादशविधाः पुत्रा उच्यन्ते ॥ तत्र मनुः-- एक एवौरसः पुत्रः पित्र्यस्य वसुनः प्रभुः ॥ (Sl. 9. 163 ab)॥ स्वक्षेत्रे[36] संस्कृतायां तु स्वयमुत्पादयेद्धि यम्। तमौरसं विजानीयात् पुत्रं प्राथमकल्पिकम्[37]॥ (Sl. 9. 166)॥ यस्तल्पजः प्रमीतस्य क्लीवस्य व्याधितस्य वा। स्वधर्म्मेण नियुक्तायां स पुत्रः क्षेत्रजः स्मृतः॥ (Sl. 9. 167)माता पिता वा दद्यातां यमद्भिः पुत्रमापदि। सदृशं प्रीतिसंयुक्तं सज्ञेयो दत्रिमः सुतः॥ (Sl. 9.168)॥ सदृशंतु प्रकुर्याद्यं गुणदोषविचक्षणम्। पुत्रं पुत्रगुणैर्युक्तं स विज्ञेयश्च कृत्रिमः॥ (Sl. 9.169)॥ उत्पद्यते गृहे यस्य न च ज्ञायेत कस्य सः। स गृहे गुढ़ उत्पन्नस्तस्य स्याद्यस्य तल्पजः॥ (Sl. 9.170)॥ माता--

दीप्तिः

(15a) शूद्राणामतिदिष्टातिदिष्ट गोत्रभाजां स्वगोत्राविवाहमनेके स्वीकूर्वन्ति। भवदेवमते एतद्विषये यथा साधकवचनं नास्ति तद्वद्बाधकमपि नास्ति इति। अधुना प्रसंगतो द्वादशविधानां पुत्राणां परिगणनम्। तल्पः शय्या लक्षणया पत्नीग्राहकं पदमिदम्। तेन तल्पजः पत्नीजातः। तर्हि द्वादशबिधाः पुत्रास्तु एते-औरस-क्षेत्रज-दत्तक-कृत्रिम-गुड़ोत्पन्न-अपविद्ध-कानीन-सहोट़-क्रीत-पौनर्भव-स्वयंदत्त पारशराः। एतेषां मध्ये पुत्रिकापुत्रस्य न परिगणनम्। किञ्च-एषां षड्दायादाः बान्धवाश्चशिष्टाः अदायादाः बान्धवाः। विस्तरस्तु अग्रे द्रष्टव्यः। न च ज्ञायेत कस्य--अर्थात् अविज्ञातवीजिनो

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36. स्वे क्षेत्रे इति पाठोऽपि दृश्यते।

37. प्राथमकल्पिकम् इति मेधातिथि गृहीतः पाठः। स एव समीचीनः। प्रथमकल्प + ठक् = प्राथम् –अन्ये केचन 'प्रथमकल्पितम्' इत्यपि पठन्ति। अहो लोकव्युत्पत्तेश्चातुरी।

मातृतः। एतच्च यत्र हीनजातीयपुरुषशङ्का नास्ति तदाशङ्कायां हि प्रतिलोमसम्भवः न क्वचित् पुरुषकार्याधिकारिणः इति मेधातिथिः।।

(15a) and not (Śūdra whose gotra is) *atidiṣṭātidiṣṭa* and this is the opinion of many. In fact for want of (supporting) statements this is not the proper procedure (order) and therefore enough of this discussion.

Now in connection with the Dattaka son twelve types of sons are being discussed. Manu (9.163) on that : only the *aurasa* son is the heir to the paternal wealth and the son produced by oneself in one's own ritually married wife should be known as *aurasa* son (son of the body and he is the foremost among the sons (natural and secondary) (M. 9.166). The son who is born in the wife, of a person dead or impotent or attacked with (incurable) disease, applied in levirate as per one's own custom is called Kṣetraja (born of levirate) (M. 9.164). He is to be known as Dattrima (Dattaka—adopted) son, who is equal (in social status or of equal caste as the adoptive father) (and) is given away by the mother and or father in times of danger (of inability to maintain) with water in hand (ie. as per procedure) (M. 9.168). He who is equal (in caste) well-versed in distinguishing merit from demerit, possessed of the qualities befitting a son, accepted as son is called the *kṛtrima* son (of the adopter) (M. 9.169). The boy born in a clandestine way in the house, the progenitor being unknown, becomes the son of him in whose wife it is born (and is called) *gūḍhotpanna* (=born secretly).

(15a) কিন্তু অতিদিষ্টাতিদিষ্ট গোত্রদের (অর্থাৎ শূদ্রদের) নহে এইরূপ অনেকে বলেন। বস্তুতঃ (অনুকূল) বচনের অভাবে ইহা উপযুক্ত ব্যবস্থা নয়—এ বিষয়ে আর বলার প্রয়োজন নাই।

ইহার পর এখন দত্তকপুত্র প্রসঙ্গে দ্বাদশবিধ পুত্রদের বিষয়ে বলা হইতেছে। সে বিষয়ে মনু বলেন—একমাত্র ঔরস পুত্রই পিতার ধনের অধিকারী। বিবাহ সংস্কারে সংস্কৃত নিজ বর্ণের ভার্যাতে নিজের উৎপাদিত পুত্রকেই ঔরস (এবং) মুখ্য পুত্র বলা উচিত (9.166.)।। (অপুত্র) মৃতব্যক্তির, ক্লীবের, দুশ্চিকিৎস্য ব্যাধিগ্রস্ত ব্যক্তির পত্নীতে স্বধর্মে নিরত নিয়োগ বিধি অনুসারে নিযুক্ত হইয়া (দেবরাদি সপিণ্ড দ্বারা) যে পুত্র উৎপাদিত হয় তাহাকে ক্ষেত্রজ পুত্র বলে (9.167)।। (দুর্ভিক্ষাদি) আপৎকালে

(অথবা গ্রাহকের পুত্রাভাবরূপ আপৎকালে) পিতা, মাতা প্রীতির সহিত (হস্তে) জলগ্রহণ করিয়া দানবিধি অনুসারে যে (সবর্ণ) পুত্রকে দান করেন তাহাকে দত্রিম বা দত্তক পুত্র বলা হয় (9.168)।। দোষগুণ বিচার বিচক্ষণ, পুত্রগুণযুক্ত এবং সমানজাতীয় যাহাকে পুত্ররূপে গ্রহণ করা হয় তাহাকে কৃত্রিমপুত্র বলা হয় (9.169)।। (অজ্ঞাত পুরুষ কর্ত্তৃক) নিজ-ভার্যাতে গোপনে উৎপন্ন পুত্রকে মাতার স্বামীর গূঢ়োৎপন্ন পুত্র বলা হয় (9.170)।।

28. मूलम्

(15B) (माता) पितृभ्यामुत्सृष्टं तयोरन्यतरेण वा। यं पुत्रं प्रतिगृह्णीयादपविद्धः स उच्यते।। (9.171)।। पितृवेश्मनि कन्या तु यं पुत्रं जनयेद्रहः। तं कानीनं वदेन्नाम्ना वोढुः कन्यासमुद्भवम्।। (9.172)।। या गर्भिणी संस्क्रियते ज्ञाताज्ञातापि वा सती। वोढुः स गर्भो भवति सहोढ़ इति चोच्यते।। (9.173)क्रीणीयाद् यस्त्वपत्यार्थं माता पित्रोर्यमन्तिकात्। स क्रीतकः सुतस्तस्य सदृशोऽसदृशोऽपि वा।। (9.174)।। या पत्या वा परित्यक्ता विधवा वा स्वयेच्छया। उत्पादयेत् पुनर्भूत्वा स पौनर्भव उच्यते।। (9.175)।। सा चेद्क्षतयोनिः स्याद् गतप्रत्यागताऽपि वा। पौनर्भवेण भर्त्रा सा पुनः संस्कारमर्हति।। (9.176)।। माता पितृविहीनो यस्त्यक्तो वा स्यादकारणात्। आत्मानं स्पर्शयेद्यस्मै स्वयं दत्तस्तु सः स्मृतः।। (9.177)।। यं ब्राह्मणस्तु--

दीप्तिः

(15b) मन्वर्थमुक्तावल्याम् अत्र कुल्लुकभट्ट एवमाह--। स्वेक्षेत्रे स्वभार्यायां कन्यावस्थायामेव कृतविवाहसंस्कारायाम् इति। सवर्णायां संस्कृतायां स्वयमुत्पादितमौरसपुत्रं विद्यादिति बौधायन- (2.2.14)दर्शनात् सजातीयायामेव स्वयमुत्पादित औरसो ज्ञेयः। व्याधितस्य प्रसवविरोधिव्याध्युपेतस्य। धर्मेण घृताभ्यक्तत्वादिनियोग- धर्मेण गुरुनियुक्तायां जातः क्षेत्रजः। 'शुक्रशोणितसम्भवः पुरुषो मातापितृनिमित्तकः तस्य प्रदानविक्रयपरित्यागेषु मातापितरौ प्रभवतः 'इति वशिष्टस्मरणात् माता पिता वा परस्परानुज्ञया यं पुत्रं परिग्रहीतुः समानजातीयं तस्यैव पुत्राभावनिमित्तायामापदि प्रीतियुक्तं न तु भयादिना उदकपूर्वं दद्यात् स दत्रिमाख्यः पुत्रो विज्ञेयः। पित्रोः पारलौकिकश्राद्धादिकरणा- करणाभ्यां गुणदोषौ

भवतः इत्येवमादिङ्गं पुत्रगुणैश्च मातापित्रोराराधनादियुक्तं पुत्रम्। क्रीतकः पुत्रः क्रेतुर्गुणैस्तुल्यो हीनो वा भवति। न तत्र जातितः सादृश्यवैसादृश्ये--''यजातीयेष्वयं प्रोक्तस्तनयेषु मया बिधि'' रिति याज्ञवल्क्येन (2.136)सर्वेषाम् एव पुत्राणां स्वजातीयत्वाभिधानात्, तेन मानवेऽपि क्रीतव्यतिरिक्ताः सर्वे पुत्राः सजातीयाः बोध्यव्याः। त्यक्तः अकारणात्-त्यागोचितकारणं विना द्वेषादिना मातापितृभ्यां त्यक्तः आत्मानं यस्मै ददाति स स्वयंदत्ताख्यः तस्य पुत्रः मन्वादिभिः स्मृतः॥

(15b) The son, deserted by either of the parents or by both the parents and accepted as such by another is called the *apaviddha* son (of the adopter). The son, born in an unmarried daughter secretly (by some one) in her father's house becomes the *kānīna* son of the person who marries that girl. The son, born in a girl married with detected or undetected stage/sign of pregnancy is known as the *sahoḍha* type of son of such bridegroom. The son, (be he of the same caste or of different caste, purchased from his parents by payment is called *krītaka* son of the purchaser. The son, born of a man, in a woman who having been deserted by husband or dowagered takes shelter of this man of her own will, is called the '*paunarbhava*' son of the progenitor. This woman, if her first marriage is without consummation may be accepted by the second husband after observance of marriage ritual (called *paunarbhava-ṣtoma*) a second time. [Kullūkabhaṭṭa gave here a queer explanation]. A son, orphanned or deserted without cause by the parents, if offers himself as a son to another becomes his 'Svayamdatta' son.

(15b) পিতামাতার উভয়ের অথবা যে কোনও একজনের দ্বারা পরিত্যক্ত পুত্রকে পুত্ররূপে গ্রহণ করিলে, তাহাকে অপবিদ্ধ পুত্র বলে (মনু 9.171)।। পিতৃ গৃহে কন্যাবস্থায় গোপনে (অন্য পুরুষের দ্বারা) যে পুত্র উৎপাদিত হয় তাহাকে বিবাহ্ কর্ত্তার কানীন পুত্র বলা হয়। (9.172)।। জ্ঞাত বা অজ্ঞাত গর্ভাবস্থায় বিবাহের পর ঐগর্ভে যে পুত্র জন্মায় তাহাকে পরিণেতার সহোঢ় পুত্র বলে। (9.173)।। অর্থের বিনিময়ে মাতা পিতার নিকট হইতে যে পুত্র ক্রয় করা হয় সে ক্রয়কারীর সবর্ণই হউক অসবর্ণই হউক—তাহাকে ক্রীতক পুত্র বলা হয়। (9.174)।। স্বার্থপরিত্যক্তা অথবা মৃতভর্ত্তৃকা যে নারী স্বেচ্ছায় অন্যপুরুষের ভার্যাত্ব স্বীকার করিয়া তাহা হইতে পুত্রের জন্ম দেয়—সেই পুত্র উৎপাদকের পৌনর্ভবপুত্র কথিত হয়। (9.175)।।

উক্ত স্ত্রী যদি অক্ষতাযোনি হইয়া অন্যের আশ্রয় নেয় তবে সেই স্বামী তাহাকে পুনরায় বিবাহসংস্কার সাধন করিয়া গ্রহণ করিতে পারে। (9.176)।। কুল্লূকভট্ট এস্থলে আর একপ্রকার ব্যাখ্যাও দিয়াছেন।। মাতাপিতৃহীন অথবা পিতামাতা দ্বারা অকারণে পরিত্যক্ত পুত্র যদি নিজেকে নিজে দান করে, তাহা হইলে তাহাকে গ্রহীতার স্বয়ংদত্ত পুত্র বলা হয়। (9.177)।।

29. मूलम्

(16A) (यं ब्राह्मण) स्तु शूद्रायां कामादुत्पादयेत् सुतम्। स पारयेन्नेव शवस्तस्मात् पारशरः स्मृतः।। (9.178)।। दास्यां वा दासदास्यां वा यः शुद्रस्य सुतो भवेत्। सोऽनुज्ञातो हरेदंशमिति धर्म्मो व्यवस्थितः।। (9.179)।। औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च। गुढ़ोत्पन्नोऽपबिद्धश्च दायादा बान्धवाश्च षट्।। (9.159) कानीनश्च सहोढ़श्च क्रीतः पौनर्भवस्तथा। स्वयं दत्तश्च शैद्रश्च षड़दायादबान्धवाः।। (9.160)।। क्षेत्रजादीन् सुतानेतान् एकादशयथोदितान्। पुत्रप्रतिनिधीनाहुः क्रियालोपान्मनीषिणः।। (9.180)।। इत्येतानि संहितायां नानास्थानस्थानि न तु सक्रमकाणि।। प्राथमकल्पिकं मुख्यं (मुख्यम्)। मुख्यः स्यात् प्रथमः कल्पोऽनुकल्पस्तु ततोऽधम इत्युक्तेः क्रमशो न्यूनता इत्यर्थः। स्वधर्म्मेण घृतलक्षणादिना। आपदि ग्रहीतु--

दीप्तिः

(16a) ग्रन्थनाम्नः लक्षणसंगतिं बिधातुं प्रकृतमनुसरति औरसः क्षेत्रजश्चैवेत्यादि। एतेषाम् आदितः षट् पुत्राः दायादाः बान्धवाश्च। शिष्टाः षट् अदायादाः बान्धवाः। ते च क्षेत्रजादयः पुत्रप्रतिनिधिरूपेण स्वीकृताः।। मानवे अष्टमाध्याये (8.415) ध्वजाहृतादीनां दासीनां दासपत्नीनां उल्लेखः। तासु जातः शूद्रपुत्र इत्यादि। ननु अपुत्रोऽपि स्वकर्त्तृकं जीवच्छ्राद्धमनुतिष्ठति पिण्डादिकं च वपति। पुत्रप्रतिनिधिसम्भवे जीवच्छ्राद्धविधेः आवश्यकता एव न स्यात् इति चेत्। न। जीवच्छ्राद्धे स्वयमेव स्वस्य प्रतिनिधिः स्यात् न तु पुत्रस्य, तस्य श्राद्धस्य पुत्रकर्त्तृकत्वाभावात् इति दत्तकमीमांसा (पृः 17, संयम भरतशिरोमणि)।

(16a) The son, begotten in (a married but) Śūdrā wife by a brahmin, owing to its ineligibility to offer *piṇḍas* etc. in a *śrāddha* (to manes) even while living becomes a corpse as it

were (Śava) and therefore is called Pārāśava by wise men. (Different types of Dāsī and Dāsapatnī like Dhvajāhṛtā etc. are spoken of in Manu 8.415). In such female slaves, a son begotten by a Śūdra (is called Śaudra and) on the consent of that Śūdra father becomes eligible to receive share of paternal wealth like *aurasa* sons—this is the decision as per scriptures.

Aurasa, Kṣetraja, Dattaka, Kṛtrima, Gūḍhotpanna and Apaviddha—these six types of (primary and secondary) sons are eligible to receive, paternal property and to offer *piṇḍa* and the like in *śrāddha* etc.

Kānīna, Sahoḍha, Krīta, Paunarbhava, Svayamdatta and Śaudra, these six types of (secondary) sons do not become heirs (to ancestral property) but they can offer *piṇḍa* etc. in works like *Śrāddha* etc.

Wise men call these eleven types of sons, as narrated, substitutes of the (primary i.e. *aurasa*) son considering the cessation of works (like continuity of the family and offering of *piṇḍa* etc. in the absence of sons). These verses appear of various places in the *(Manu) Saṃhitā* and are not to be treated as given seriatim. (In the above quotations) the expression '*prāthama kalpikam*' means main, chief. Mukhya or chief in the first *kalpa*, *anukalpa* is inferior to that. From this statement (other sons are) gradually lower in status—this is the purport. (Again) '*svadharmeṇa*' means 'by observance of rules like anointing the body with butter oil and so on. '*Āpadi*' means in danger like absence of sons of the adoptive father

(16a) ব্রাহ্মণ (পরিণীতা) শূদ্রাতে কার্যত: যে পুত্র উৎপন্ন করে, ঐ পুত্র জীবদ্দশায় উহার শ্রাদ্ধাদিতে অযোগ্যতা প্রযুক্ত শবতুল্য হয়—মৃততুল্য হয় ও এইজন্য পণ্ডিতগণ তাহার নাম পারশব বলিয়া থাকেন। (ধ্বজাহৃতা প্রভৃতি যে দাসী ও দাসপত্নীর লক্ষণ মনু অষ্টম অধ্যায়ে বলা হইয়াছে তাদৃশ) দাসীতে শূদ্রদ্বারা উৎপন্ন সন্তান ঐ শূদ্র পিতার ইচ্ছাতে তাহার ঔরস পুত্রের তুল্য ভাগী হইবে, ইহা শাস্ত্রীয় ব্যবস্থা। ঔরস, ক্ষেত্রজ, দত্তক, কৃত্রিম, গূঢ়োৎপন্ন ও অপবিদ্ধ এই ছয় প্রকার পুত্র (সগোত্র) ধনাধিকারী ও পিণ্ডতর্পণের অধিকারী বন্ধু হয়।। কানীন, সহোঢ়, ক্রীত, পৌনর্ভব, স্বয়ংদত্ত ও শৌদ্র ইহারা (সগোত্র বা ভিন্নগোত্র যাহাই হউক না কেন) ধনাধিকারী হইতে পারে না, কেবল শ্রাদ্ধ পিণ্ডদানের অধিকারী হয়। পুত্রোৎপাদন

বিধির ও শ্রাদ্ধাদিক্রিয়ার যাহাতে লোপ না হয় তন্নিমিত্ত ক্ষেত্রজাদি একাদশপ্রকারকে পণ্ডিতগণ পুত্রপ্রতিনিধি বলিয়াছেন।

এই সমস্ত শ্লোক (মনু) সংহিতার (নবম অধ্যায়ে) নানাস্থানে স্থিত, ইহাদের ক্রম অনুযায়ী (এই গ্রন্থে) লেখা হয় নাই। পূর্বোক্ত—'প্রাথমকল্পিক' শব্দের অর্থ মুখ্য। মুখ্যই প্রথম কল্প হয়। অনুকল্প তাহা হইতে হীন—এই বচনবশত কথিত পুত্রগণের উত্তরোত্তর ক্রমশঃ হীনতা বুঝিতে হইবে।

উদ্ধৃতিতে 'স্বধর্মেণ, পদের অর্থ—(সর্বাঙ্গে) ঘৃত লেপন (মৌনপালন) ইত্যাদি ধর্মের সহিত। 'আপদি' পদের অর্থ পুত্র গ্রাহকের (পুত্রাভাবরূপ বিপদে)

30. मूलम्

(16B) (ग्रहीतु) रेव पुत्राभावरूपायामापदि। न तु दातुः, सदृशं सवर्णं प्रीतिसंयुक्तं न तु भयादियुक्तम्। दत्रिमोदानान्निष्पन्नः। पौनर्भवेण पौनर्भवष्टोमाख्य--यागेन। पारशरः पारयन्नेव समर्थोऽपि शवतुल्यकर्म्मानर्ह इति। शूद्रस्य दासदास्यां दास्याम्वेत्यादिना। अत्र पितृधने औरसस्यैवाधिकारः एक एवौरसः पुत्र इत्यादिनोक्तः। तदभावे धनाधिकारं विवृणोति तेषां षड़बन्धुदायादा इति प्रथमोपस्थितत्वात् तेषां पूर्वषण्णां मध्यो यो यस्तिष्ठति स बन्धुर्ज्ञाति दायादो धनाधिकारीति सामान्यतः षण्णामेकधर्मवत्त्वादुक्तम्। उत्तरार्धगताः षट् अदायादा धनानधिकारिणोऽपि बान्धवा बन्धुकार्यमुदकं कुर्य्युः। तत्र औरसतुल्यत्वेन पुत्रिकापुत्रेनाभिहितः औरसेनार्द्धांशस्य वक्ष्यमाणत्वात्।

दीप्तिः

(16b) ये अदायादाः पुत्रास्तेऽपि बन्धुकार्यम् उदकदानेन तर्पणादिकं कर्त्तुं प्रभवन्ति, गोत्रभाजश्च भवन्ति बौधायनादिभिस्तथा स्वीकारात्।। दत्रिमशब्दस्तु दाधातौ त्रिमप् प्रत्यययोगेन। डुदाञ् दाने इति दाधातौ ड्वितः क्त्रि (p. III. 3.88)। क्त्रेर्मम्नित्यम् (IV. 4.20)। इति सूत्रद्वयेन दा + त्रिमप् इत्यवस्थायां-- "दोदद् यः अच् उपसर्गात् तः (VII. 4.46, VII 4.47)इत्याभ्याम् दाधातोः दत् आदेशे दत् + त्रिम = दत्रिम पदं सिध्यति।

(16b) and not the absence of the son of the giver. Here '*sadṛsa*' means "of the same caste". "*prītisamyuktam*"—is

with pleasure or affectionately and not fearfully. 'Dattrima' is by gift "*Paunarbhavena*" means by a ritual named *paunarbhavaṣṭoma*. Pāraśava is while helping in crossing is incapable of doing prescribed rituals and therefore as useless as a corpse *(Śava)*. Of the Śūdra, in Dāsadāsī or Dāsī. Now, in paternal wealth only the natural son or aurasa is the heir and this is told in *eka evaurasaḥ putraḥ* etc. In the absence of such ie. aurasa—the heirs to the paternal wealth are described. Of them six are (technically called) *Bandhu* or *Jñāti* and at the same time they have right to inherit because their names are taken first, so the first six according to their position in the enumeration list whoever remain (these) become Bandhu and Dāyāda (ie. heir) because they possess one common quality. The other six named in the second part of the quotation (Manu. 9.160) although cannot inherit, as Bandhu they should offer libations of water etc. which is their duty. Here the Putrikāputra is not (separately) mentioned as he is of equal status[38] as the *Aurasa* and it will be said later on that *Aurasa* will get half share.

(16b) (দাতার পুত্রাভাবরূপ আপদে নহে)। সদৃশম্ অর্থাৎ সমানবর্ণ (পুত্র গ্রহণ করিবে); প্রীতি সংযুক্তম্ = প্রীতির সহিত, ভয়ভীত হইয়া নয়। দত্রিম শব্দের অর্থ দাননিষ্পন্ন। পৌনর্ভবেণ অর্থাৎ পৌনর্ভবষ্টোমনামক যাগের দ্বারা পারশব অর্থাৎ উত্তরণ করাইতে সমর্থ হইলেও শবের মত কর্মের অযোগ্য। শূদ্রের (দ্বারা) দাসদাস্যাম্ এইরূপ বলা হইয়াছে অথবা দাসীতে ইত্যাদি। পিতৃধনে ঔরসেরই অধিকার এক এবৌরসঃ পুত্রঃ ইত্যাদি বচনের দ্বারা বলা হইয়াছে। সেই ঔরসপুত্রের অভাবে ধনাধিকারী কে হইবে তাহা বলা হইতেছে। তাহাদের মধ্যে ছয়জন বন্ধু (পারিভাষিক শব্দ) ও দায়াদ বা উত্তরাধিকারী এই বলিয়া ছয়জনের নাম প্রথমে বলা হইয়াছে বলিয়া সেই ছয়জনের মধ্যে যাহার যেমন অবস্থান সে বন্ধু বা জ্ঞাতি এবং দায়াদ, দায়াদ বা ধনাধিকারী সাধারণভাবে ছয়জনেরই একধর্ম থাকার জন্য। উদ্ধৃতির শেষার্ধ কথিত ছয়জন ধনের অনধিকারী হইলেও তাহারা বন্ধু বা জ্ঞাতি, তাহারা বন্ধুকৃত্য বা

38. for this see Manu 9.127-140 specially 9.134 which runs as follows :

पुत्रिकायां कृतायान्तु यदि पुत्रो'नुजायते ।

समस्तत्र विभागः स्यात् ज्येष्ठता नास्ति हि स्त्रियाः ॥

Also see Kullakabhaṭṭa on Manu 9.187 Yaj. II. 129.

জ্ঞাতিকৃত্য তর্পণাদি করিবে। এই প্রসঙ্গে ঔরসপুত্রের তুল্য পুত্রিকাপুত্রের কথা বলা হয় নাই—কারণ ঔরসপুত্রের দ্বারা অর্ধাংশ গ্রহণের কথা পরে বলা হইবে—তাই। (মনু 9.187র ব্যাখ্যা প্রসঙ্গে মন্বর্থ মুক্তাবলী দ্রষ্টব্য)।

31. मूलम्

(17A) बौधायनः। औरसं पुत्रिकापुत्रं क्षेत्रजं दत्तकृत्रिमौ। गुढ़श्चैवापविद्धश्च रिक्‌थभाजं प्रचक्षते।। काणीनश्च सहोढ़श्च क्रीतश्च पौनर्भवस्तथा। स्वयं दत्तं निषादश्च गोत्रभाजं प्रचक्षते।। (बौधायनः 2.2.31-32) ।। अत्र पूर्व्वषण्णां धनभागित्वमात्राभिधानात् कैमुतिकन्यायात् गोत्रभागित्वमपि सिद्धम्। उत्तरषण्णां गोत्रभागित्व विशेषणात् न धनाधिकार इति सूचितं वचनान्तरात्। कालिकापुराणम् -- (88.35-38) औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च। गुढ़ोत्पन्नोऽपविद्धश्च भागार्हास्तनया इमे [स्तनया इमे]।। कानीनश्च सहोढ़श्च क्रीतः पौनर्भवस्तथा। स्वयं दत्तश्च पौष्यश्च [शौद्रश्च] षड़िमे पुत्रपांशलाः।। न क्षेत्रजादींस्तनयान् राजा राज्येऽभिषेचयेत्। पितृणां शुद्धये नित्यमौरसे तनये सति। अभावे पूर्व्व पूर्व्वेषां परान् समभिषेचयेत्। पौनर्भवं स्वयं दत्तं दासं राज्ये न योजयेदिति। अत्रापि पूर्व्वषण्णां भागार्हत्वमुक्तं गोत्रभागित्वन्तु--

दीप्तिः

(17a) बौधायनधर्मसूत्रेषु (2.2.31-32) स्वीकृतानां पुत्राणामयं क्रमः—औरस-पुत्रिकापुत्र-क्षेत्रज-दत्तक-कृत्रिम-गूढ़-अपविद्धाः रिक्‌थभाजः पुत्राः। तेषां गोत्रभाक्त्वं स्वयमेव सिद्धम्। अन्येषां कानीन-सहोढ़-क्रीत-पौनर्भव-स्वयंदत्तनिषादानां केवलं गोत्रभाक्त्वम्। यद्यपि पुत्राणां द्वादशविधत्वं सामान्येन स्वीकृतम् अत्र पुत्रिकापुत्रम् आकलय्य साकल्येन त्रयोदश एव पुत्राः परिगणिताः। एतेषु औरसे तनये स्थिते सति क्षेत्रजादीनां राज्ये अभिषेचनं न कार्यम्।

(17a) Baudhāyana (says), *Aurasa, Putrikāputra, Kṣetraja, Dattaka, Kṛtrima, Gūḍhotpanna* and *Apaviddha* are considered eligible to inherit property. *Kānīna, Sahoḍha, Krīta, Paunarbhava, Svayamdatta,* and *Niṣada* are called only cognates. Here also, by calling the first six as inheritors—their status as cognates is automatically settled. Of the latter

group of six, the use of the adjective cognate indicates the absence of their right to inherit, by a separate mention of the facts. Kālikāpurāṇa (has) : *Aurasa, Kṣetraja, Dattaka, Kṛtrima, Gūḍhotpanna, Apaviddha* sons are persons fit to inherit, (whereas) *Kānīna, Sahoḍha, Krīta, Paunarbhava,* Svayamdatta and Pauṣya sons are disgraceful as sons. For the purification of the forefathers (living in hell) the king should not place on throne sons like *Kṣetraja etc.* when there is an *Aurasa* son. In the absence of the previous ones the succeeding ones are to be crowned. The Paunarbhava, Svayaṃdatta and Dāsa (types of sons) are not to be crowned at all. Here also, eligibility to inherit—in the case of the former six types of sons has been expressed and their status as cognates is indicated by separate reference.

(17a) বৌধায়ন ধর্মসূত্রে (২য় প্রশ্ন, ২য় অধ্যায়, সূত্র ৩১-৩২) আছে—ঔরস, পুত্রিকাপুত্র, ক্ষেত্রজ, দত্তক, কৃত্রিম, গূঢ়োৎপন্ন এবং অপবিদ্ধ পুত্রদের রিক্‌থভাক্ বা ধনাধিকারী বলে। কানীন, সহোঢ়, ক্রীত, পৌনর্ভব, স্বয়ংদত্ত, নিষাদ ইহাদের (কেবলমাত্র) গোত্রভাক্ (=জ্ঞাতি) বলা হয়। এই স্থলে প্রথম ছয় জনকে (পুত্রিকাপুত্র হইতে অপবিদ্ধ) শুধু ধনাধিকারী বলা হইয়াছে, তাহাদের গোত্রভাগিত্ব কৈমুতিকন্যায়ে স্বতই সিদ্ধ হইয়াছে। পরবর্ত্তী ছয়জনের গোত্রভাগিত্ব এই বিশেষণের জন্য ধনভাগিত্ব নাই। পৃথক্ বচনের দ্বারা নির্দেশ করায় ইহা জ্ঞাপিত হইয়াছে।

কালিকা পুরাণে—ঔরস, ক্ষেত্রজ, দত্তক, কৃত্রিম, গূঢ়োৎপন্ন, অপবিদ্ধ ইহারা ধনের ভাগলাভের যোগ্য। কানীন, সহোঢ়, ক্রীত, পৌনর্ভব, স্বয়ংদত্ত ও পৌষ্য এই ছয়জন নিন্দিত পুত্র।। পিতৃপুরুষের শুদ্ধির জন্য ঔরসপুত্র বর্তমান থাকিতে রাজা ক্ষেত্রজাদি পুত্রদের রাজ্যে অভিষিক্ত করিবেন না। (প্রথমোক্ত ছয় জনের মধ্যে) পূর্বপূর্বের অভাবে পরবর্ত্তীকে রাজ্যে অভিষিক্ত করিবেন। (কিন্তু) পৌনর্ভব, স্বয়ংদত্ত ও দাস (=শৌদ্র?) পুত্রকে রাজ্যের ভার দিবেন না।

এখানেও প্রথমোক্ত ষটকের ধনাধিকারিত্ব বলা হইয়াছে। তাহাদের গোত্রভাগিত্বের কথা পৃথক্ বচন দ্বারা সিদ্ধ।

32. मूलम्

(17B) वचनान्तरात् सिद्धम्। याज्ञवल्क्यः (II. 129-132)औरसो धर्म्मपत्नीजस्तत् समः पुत्रिकासुतः। क्षेत्रजः क्षेत्रजातश्च स्वगोत्रेणेतरेण वा।। गृहे प्रच्छन्न

उत्पन्नो गूढ़जः स सुतः स्मृतः। कानीनः कन्यकाजातो माता (Redundant)मातामहसुतश्च सः।। अक्षतायां क्षतायाम्बा जातः पौनर्भवो मतः। ददान्माता पिता वा यं स पुत्रो दत्तकः स्मृतः। क्रीतस्तु ताभ्यां विक्रीतः कृत्रिमः स्यात् स्वयं कृतः।। दत्तात्मा तु स्वयं दत्तो गर्भे विन्नः सहोढ़जः। उतसृष्टो गृह्यते यस्तु सोऽपविद्धो भवेत् सुतः।। पिण्डोदोऽर्थहरश्चैषां पूर्व्वाभावे परः परः।। अत्र पुत्रिकापुत्रस्यौरसतुल्यत्वेनाभिधानात् दत्तकः षष्ठो भवति। नारदः (दायभाग - 45-47) औरसः क्षेत्रजश्चैव पुत्रिकापुत्र एव च। कानीनश्च सहोढ़श्च गूढ़ोत्पन्नस्तथैव च।। पौनर्भवोऽपद्धिश्च दत्तः क्रीतः कृतस्तथा। स्वयमेवागतः[39] पुत्रो--[द्वादशैते प्रकीर्त्तिताः]

दीप्तिः

(17b) अधुना याज्ञवल्क्यमतानुसारं (Yāj II. 128-132)पुत्राणां लक्षणं निरूप्यते। मनुवचने पुत्रिकापुत्रो विशेषतो नाभिहितः औरसतुल्यत्वात्। याज्ञवल्क्यवचने किन्तु पुत्रिकापुत्रं गृहीत्वा साकल्येन द्वादशविधाः पुत्राः। नारदवचनस्मरणम् तथैव। क्षेत्रं पत्नी-तस्यां जातः क्षेत्रजः। क्षेत्रं शरीरे केदारे सिद्धस्थानकलत्रयोरिति कोषग्रन्थः। अपुत्रेण-परक्षेत्रे नियोगोत्पादितः सुतः इत्यादि याज्ञवल्क्यश्लोकेन (II. 130) उभयसम्बन्धिरिक्थहरत्वमुक्तं तत् क्षेत्रिकपितुरौरसपुत्राभावेबोद्धव्यम् इति कुल्लुकभट्टवचनं (मनु 9.162)--चिन्त्यम्। पुत्राभावे नियोगकल्पनस्य सम्भवत्वात्। द्व्यामुष्यायणभिन्नः नियोगजः पुत्रः वीजिनः पितुः न धनभाक् न वा पिण्डदाता।

(17b) Yājñavalkya (II. 129-132) has : *Aurasa* son is born in ritually married wife, equal to him in status is Putrikāputra (daughter's son accepted as son), *Kṣetraja* son is born in *Kṣetra* (ie. wife of a sonless man) by one cognate or agnate; *Gūḍhaja* son is clandestinely born in the house in wife, *Kānīna* is the son of the unwedded mother—considered as the son (ward) of the maternal grand-father, *Paunarbhava* is the son of the remarried women fornicated or not (in the previous marriage). *Dattaka* is given as such by either of the parents (to an adoptive father). He, who is sold by parents (as son to some one), is *Krīta*, and *Kṛtrima* son is one who

39. मुद्रितनारदस्मृतौ—स्वयञ्चोपागतः पुत्राः द्वादशैते उदाहृताः।

draws or attaches himself to one (to become his son). *Sahoḍhaja* is the son whose mother during pregnancy (having this baby in the womb) is married. *Apaviddha* is that type of son who having seen deserted by either or both of the parents is adopted as son by a stranger. Of these, in the absence of the preceding one the succeeding one becomes eligible to inherit (father's) property and to offer *piṇḍa* (to the departed). Here, in this list the *Putrikāputra* is taken as equal in status to the primary ie. the *Aurasa* son, hence the Dattaka son takes the sixth place.

Narada says : Aurasa, Kṣetraja, Putrikāputra, Kānīna, Sahoḍha, Gūḍhotpanna, Paunarbhava, Apaviddha, Dattaka, Krīta, Kṛta and Svayamupāgata—these twelve types of sons are enumerated—

(17b) যাজ্ঞবল্ক্য (II. 129-132) সমানবর্ণা, ধর্মানুসারে বিবাহিতা পত্নীর গর্ভজাত পুত্রের নাম ঔরসপুত্র (এই পুত্র মুখ্য। তাহার পরে) পুত্রিকাপুত্র (অপুত্রক পিতার কন্যার বিবাহের পরে জাত পুত্র, যে বিবাহের পূর্বে স্বীকৃত শর্ত অনুযায়ী মাতামহের পুত্রস্থানীয় সেও) ঔরসতুল্য। সগোত্র হইতে বা সপিণ্ড (দেবর আদি) হইতে অপুত্রক ব্যক্তির ক্ষেত্র বা পরিণীতা ভার্যার নিয়োগ দ্বারা উৎপন্ন পুত্র ক্ষেত্রজ, স্বামি গৃহেই গুপ্তভাবে (উচ্চবর্ণ বা নীচবর্ণ পুরুষ হইতে না জন্মিয়া এবং কোন পুরুষ হইতে জন্মিয়াছে ইহার নিশ্চয় না থাকিলেও সমান বর্ণের পুরুষ হইতে) পরিণীতা স্ত্রীতে উৎপন্ন (এই মাত্র নিশ্চয় থাকিলে ঐ পুত্রের নাম) গূঢ়জ পুত্র, কুমারী অবস্থায় (সমানবর্ণ পুরুষ হইতে) উৎপন্ন পুত্র কানীন, ইহা মাতামহেরই পুত্ররূপে স্বীকৃত। অক্ষতযোনি (অনুপভুক্তা) বা ক্ষতযোনি (উপভুক্তা) নারীর পুনরায় বিবাহ দিলে নারী পুনর্ভূ হয়, তাহার গর্ভজাত (সবর্ণ পুরুষ হইতে উৎপন্ন) পুত্রকে পৌনর্ভব বলে। মাতা বা পিতা (অথবা উভয়ে) (আপৎকাল) যে পুত্রকে সজাতীয়ের হস্তে দান করে সে দত্তক বা দত্রিম পুত্র। পিতা ও মাতা উভয়ে (অথবা যে কেহ অভাবে পড়িয়া জ্যেষ্ঠ ভিন্ন) যে পুত্রকে সমানবর্ণ ব্যক্তির কাছে বিক্রয় করে সেই পুত্রের নাম ক্রীতপুত্র। (মাতাপিতৃহীন যে বালককে (পুত্রহীন ব্যক্তি) নিজে (ধনাদি দ্বারা) আকর্ষণ করিয়া পুত্ররূপে গ্রহণ করে সে কৃত্রিম পুত্র। (মাতাপিতৃহীন বা মাতাপিতৃপরিত্যক্ত বালক) যদি নিজে (আমি আপনার পুত্র, আমাকে গ্রহণ করুন—এই উক্তির দ্বারা) আত্মসমর্পণ করে তবে সে স্বয়ংদত্ত পুত্র। মাতৃগর্ভে অবস্থান কালে গর্ভিণী মাতার বিবাহের পরে জাত পুত্র সহোঢ়জ নামে খ্যাত হয় (এই পুত্র তাহার মাতার পরিণেতার

পুত্ররূপে গণ্য)। মাতা পিতা উভয়ের দ্বারা পরিত্যক্ত ও পরে অপরের দ্বারা পুত্ররূপে গৃহীতকে (গ্রহীতার) অপবিদ্ধ পুত্র বলে। এই সব পুত্রদের মধ্যে পূর্ব পূর্ব পুত্রের অভাবে পরপর নির্দিষ্ট পুত্রই পিতার পিণ্ডদাতা ও ধনাধিকারী হইবে।

পুত্রিকাপুত্রকে ঔরস পুত্রের সমান বলায় দত্তক পুত্র ষষ্ঠ (যথা ঔরস, পুত্রিকাপুত্র, ক্ষেত্রজ, গূঢ়জ, কানীন, পৌনর্ভব, দত্তক, ক্রীত, কৃত্রিম, স্বয়ংদত্ত, সহোঢ়জ, অপবিদ্ধ)।। নারদ (দায় ভাগ-45-46) (বলেন)—ঔরস, ক্ষেত্রজ, পুত্রিকাপুত্র, কানীন, সহোঢ়, গূঢ়োৎপন্ন, পৌনর্ভব, অপবিদ্ধ, দত্ত (ক), ক্রীত, কৃত (=কৃত্রিম) ও স্বয়মুপাগত (=স্বয়ংদত্ত) এই দ্বাদশ প্রকার পুত্র উদাহৃত হয়।

33. मूलम्

(18A) द्वादशैते प्रकीर्त्तिताः। तेषां षड्वन्धुदायादाः षडदायादवान्धवाः। पूर्व्वः पूर्व्वः स्मृतो ज्यायान् जघन्यो यो य आप्नुयात्॥[40] एवं यमविष्णुसम्बर्त्तादयोऽपि तुल्यामेवाहुः।[41] देवलस्तु[42] उत्तरषट्कमध्ये दत्तकमभिधाय तेषां पितृधन एवाधिकारमाह न तु बन्धुधने। यथा देवलः[43]--औरसः पुत्रिकापुत्रः क्षेत्रजः कन्यकोद्भवः। गूढ़ोत्पन्नोऽपविद्धश्च सुतः पौनर्भवस्तथा॥ दत्तः स्वयमुपेतश्च लब्धः क्रीतः कृतस्तथा। एते द्वादश-पुत्रास्तु सन्त(त्य)र्थमुदाहृताः। आत्मजाः

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40. दायभागधृतं नारदवचनं— एषां षड्बन्धुदायादाः .....जधन्यो यो य उत्तरः॥ मुद्रितनारदस्मृतौ अपि स एव पाठः। दायभागः (जीवानन्द संस्करणम्) पृः 147।

41. "तुल्य मेवाहुः"-- इति हि साधीयान्। विष्णु धर्मसूत्रे पञ्चदशे अध्याये द्वादशपुत्रवर्णनम्। तत्र दत्तकश्च अष्टमः। उनविंशतिसंहिता (वङ्गवासी सं)यम् यमस्मृतिमध्ये तथा सम्वर्त्तस्मृति मध्ये ईदृशः प्रसङ्गो नास्ति। दत्तकचन्द्रिकाधृतं (पृः 29) यमवचनं......षड़ते पिण्डदायिनः॥... इत्येते सङ्करोत्पन्नाः षड़दायादवान्धवाः॥ तथैव (28 पृष्ठायाम) विष्णुः-- तेषां पूर्वः पूर्वः श्रेयान्। स एव दायहरः स चान्यान् विभृयात्। यमवचनं विवादचिन्तामणौ 229 पृष्ठायां, विष्णुवचनं च 231-232 पृष्ठयोः उद्धृतम्।

42. See *History of Dharmashastra*, Vol. III p. 645 for a comparative chart of the different types of sons as given in different text.

43. दत्तकचन्द्रिकाधृतं देवलवचनम्--दत्तकचन्द्रिका - पृः 29 (यम भरतशिरोमणि सम्पादिता) दायभागधृतं देवलवचनम्। दायभागः (सं-जीवानन्द) पृः 147। "अत्र दायभागवचनमपि प्रासङ्गिकम्। औरसादयः षट् पुत्रा न केवलं पितृदायहराः, किन्तु वन्धुनामपि सपिण्डादीनां दायहराः, अन्ये परभुताः पितुरेव परं दायहराः न सपिण्डादीनाम्॥" (तत्रैव 147 पृष्ठायाम्)।

परजाश्चैव लब्धा यादृच्छिकास्तथा। तेषां षड् बन्धुदायादाः पूर्व्वेऽन्ये पितुरेव षट्। विशेषश्चापि पुत्राणामानुपूर्वजा --

दीप्तिः

(18a) यमविष्णुसम्बर्त्तादीनां ग्रन्थे नारदादि प्रोक्ता व्यवस्था एव अनुसृता। किञ्च पुत्राणामानुपूर्व्वीविषये शास्त्रकारेषु मतभेदो वर्त्तते। स च P.V. Kaneमहोदयेन स्वकीये धर्म्मशास्त्रेतिहासग्रन्थे (तृतीयखण्डे) सारणीमध्ये स्हापितः। तदर्थं द्रष्टव्योऽसौ ग्रन्थः।

(18a) of them, six are considered cognates and heirs and six cognates but not heirs, the preceding one is more desirable and the succeeding one undesirable—lower. Thus, Yama, Viṣṇu, Samvartta and others spoke like Nārada, Devala, however, enumerating the *Dattaka* son in the latter group of six opined that such a son has right to inherit to father's property only and not to that of kinsmen. Thus Devala (has): *Aurasa, Putrikāputra, Kṣetraja, Kānīna, Gūḍhotpanna, Apaviddha* are sons and so also are *Paunarbhava, Datta, Svayamupeta, Labdha, Krīta, Kṛta.* These twelve types are considered as sons in scriptures. These are born of the self or from others or received voluntarily as sons. Of them the first six are cognates and inheritors to property of kinsmen (and of the father as well where as) the other six inherit only the father's property (and not of Kinsmen). The speciality of (these) sons is being specified in due order—

(18a) তাহাদের মধ্যে পূর্বোক্ত ছয়জন বন্ধুপদবাচ্য ও ধনাধিকারী (অথবা পিতামহাদি আত্মীয়দেরও ধনাধিকারী) এবং অন্য ছয়জন ধনের অনধিকারী কিন্তু বন্ধুকৃত্য পিণ্ডদানাদির অধিকারী। ইহাদের মধ্যে পূর্ব পূর্ব সন্তান প্রশস্ত আর পরবর্ত্তী ক্রমশঃ হীন বা অপ্রশস্ত। এই ভাবে যম বিষ্ণু সম্বর্ত্ত প্রভৃতিও নারদের মতই বলিয়াছেন। দেবল কিন্তু পরবর্ত্তী ছয়পুত্রের মধ্যে দত্তকের পরিগণন করিয়া—তাদৃশ পুত্রদের কেবলমাত্র পিতার ধনেতে অধিকার স্বীকার করিয়াছেন বন্ধুদের ধনে স্বীকার করেন নাই। যথা দেবল বচন—ঔরস, পুত্রিকাপুত্র, ক্ষেত্রজ, কানীন, গূঢ়োৎপন্ন, অপবিদ্ধ পুত্র এবং পৌনর্ভব, দত্তক, স্বয়মুপাগত, লব্ধ, ক্রীত এবং কৃত এই দ্বাদশ পুত্রের নাম সন্তান প্রসঙ্গে উদাহৃত হইয়াছে। ইহারা আত্মজাত বা পরজাত কিম্বা স্বেচ্ছায় পুত্ররূপে

লব্ধ। ইহাদের মধ্যে (প্রথম) ছয়জন বন্ধুদায়াদ, অন্য ছয়জন কেবলমাত্র পিতৃধনের অধিকারী। এই পুত্রদের বৈশিষ্ট্য যথাক্রমে—বলা হইতেছে—

34. मूलम्

(18B) द्विशिष्यते। सर्व्वे ह्यनौरसस्यैते पुत्रा दायहराः (स्मृताः)। औरसे पुनरुत्पन्ने तेषां ज्यैष्ठ्यं न विद्यते। तेषां सवर्णा ये पुत्रास्ते तृतीयांशभागिनः। हीनास्तमुपजीवेयुर्ग्रासाच्छादन सम्भृताः॥ अयमर्थः-- वहवश्चेत्तु सदृशाः पुत्रा दायहराः पितुरिति मनूक्त[44]मजातीयपुत्राणां धनभागित्वमनूद्य विजातीयानां विशेषमाह आनुपूर्व्व्यादिति। पूर्व्वं पूर्व्वं अनु पश्चात् अनुपूर्व्वं तस्मात् स्वार्थ-यणि आनुपूर्व्व्य प्रातिपदिका यवर्थ पञ्चम्या पूर्व्वं पूर्व्वमपेक्ष्य इत्यर्थः। तृतीयान्तपाठोऽपि करणसाधनं (साधनः)। ततः आत्मजापेक्षया परजास्तदपेक्षया लव्धास्तदपेक्षाय यदृच्छोपपन्ना गौणाः। धनाधिकारित्वमाह--अपविद्धान्ताः पूर्व्वोक्ताः षट् सत्यौरसे क्रमेण बान्धवो ज्ञातयो दायस्य--

दीप्तिः

(18b) देवलवचनधृतस्य आनुपूर्व्यात् पदस्य व्युत्पत्तिं दर्शयति-पूर्वं पूर्वम् अनु पश्चात् इति अनुपूर्वम्। यवर्थपञ्चम्या इत्यादिभिः भवदेवेन पाणिनीयेतरं किमपि व्याकरणं प्रतिपादितम्।

(18b) All these sons are inheritors to the property of a man without aurasa son. However, when an aurasa son is born, these sons lose their seniority. Of them, the sons who are of the same caste as of the adoptive father, receive one third of the wealth, others of the inferior caste depend upon in (the aurasa son) receiving maintenance (only). The impart in this: "If there be several sons of the same caste—they inherit the paternal property"—thus recording the hight to property of the sons of the same caste as told by Manu (9.184 ed) the special steps for sons of different castes are told by *ānu-pūrvyāt* (in due order).

The word *ānupūrvyāt* is thus derived : *pūrvam pūrvam*

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44. Manu 9. 184 ed. VL. वहवश्चेत्तु सदृशाः सर्वेरिक्थस्यभागिनः॥

anu (avyayībhāva compound meaning after the each former) is *anupūrvam*, from that word, adding to it the suffix *yaṇ* [the sense of self same or *svārtha* one gets the *prātipadika* (uninflected word) *ānupūrvya*, adding *yavartha pañcamī*— one gets *ānupūrvyāt* [according to Paninian system from *avyayībhāva* compound we get *anupūrvam*, adding *svārthe ṣyañ*—the word becomes *ānupūrvya*, then in the fifth case ending, sanctioned by *lyavlope karmany adhikaraṇe ca*—a vārttika on Pāṇini 1.4.31—we get the word *ānupūrvyāt*] meaning considering/resultant to/relating to the previous. If one reads *ānupūrvyi* in the third case ending the sense is "by the *ānupūrvi* or serial order. Thus after the primary son, the sons other than the labdha (gained/acquired) sons and after then the sons received accidentally or by chance ie. all the secondary sons. Their right to property is thus narrated. In the presence of an *aurasa* son, the six sons upto *apaviddha* (in the list) enumeration the first group in due order become *bandhu, jñāti* and inheritors (of one third of the property of the kinsmen)—

(18b) এইসকল পুত্র ঔরসপুত্রহীন পিতার ধনে অধিকারী। (দত্তকাদি গ্রহণের পর) ঔরসপুত্র জন্মাইলে তাহাদের আর জ্যেষ্ঠত্ব থাকে না। তাদৃশপুত্রদের মধ্যে যাহারা পিতার সমান জাতির, তাহারা ধনের তৃতীয়াংশ পাইবে। যাহারা হীনজাতীয় তাহারা সবর্ণ ভ্রাতাদের অবলম্বন করিয়া গ্রাসাচ্ছাদনভাগী হইয়া থাকিবে। ইহার তাৎপর্য—যদি অনেক পুত্র থাকে তবে সজাতীয় পুত্রেরা পিতার ধনের অধিকারী— এই মনু বচনে (9.184cd) সবর্ণপুত্রদের ধনভাগিত্ব অনুবাদ করিয়া (পুনঃ কথন করিয়া) বিজাতীয় (অসবর্ণ) পুত্রদের বিষয়ে বিশেষ বিধানের কথা বলিতেছেন— আনুপূর্ব্যাৎ=পূর্বং পূর্বম্ অনু পশ্চাৎ=অনুপূর্বম্—তাহাতে স্বার্থে যণ্ প্রত্যয়যোগে আনুপূর্ব্য এই প্রাতিপদিকের উত্তর যবর্থ পঞ্চমী দ্বারা (পাণিনি মতে ল্যবলোপে পঞ্চমী করিয়া) পূর্ব পূর্বটির অপেক্ষা করিয়া এই অর্থ। তৃতীয়ান্ত অর্থাৎ আনুপূর্ব্যা এই পাঠ ধরিলে সাধক অর্থাৎ করণে তৃতীয়া (অর্থাৎ আনুপূর্বী যা ক্রমের দ্বারা)। তাই আত্মজ পুত্রাপেক্ষায় পরজাত পুত্র, তাহার অপেক্ষায় লব্ধ পুত্র, তাহার অপেক্ষা যাদৃচ্ছিক ভাবে প্রাপ্ত পুত্র গৌণ।।

ধনাধিকার বিষয়ে বলা হইয়াছে অপবিদ্ধ পর্যন্ত পূর্বোক্ত ছয়জন পুত্র ক্রমশঃ বন্ধু, জ্ঞাতি (এবং) পৈতৃকধনের এবং বন্ধুদের ধনেও তৃতীয়াংশভাগী হয়।

35. मूलम्

(19A) बन्धुधनस्यापि त्र्यंशहराः। एतदेव स्पष्टयति तेषां सवर्णा इत्यादिना। असत्यौरसे सर्व्वहरा इत्यर्थात् सिद्धम्। अन्ये तूत्तरोक्ताः सत्यौरसे पितुर्दायादेवत्र्यंशहरा न तु सपिण्डादिधनानामित्यर्थादेवकाराच्च लभ्यते। औरसे पुनरुत्पन्ने ते तृतीयांशभागिनः इति कात्यायनै[45] क्यात्। असत्यौरसेऽपि उत्तराः षट् (? उत्तरे षट्) पितुरेव सर्वदायहरा इति पर्यवस्यति। तदेवं मुनीनां मतवैधर्म्यात् समाधीयते। मनु-बौधायन-कालिकापुराण-याज्ञवल्क्यात्रिव्यासादिभिर्यत् दत्तकस्य पूर्व्वषट्कमध्ये पठित (पाठः) स्तत् सर्व्वकालसाधारणः। नारद-देवलादि वचनन्तु कलीतरपरम्। तथाहि पुराणादि धर्म्मस्य कलिमुद्दिश्यैव व्यासेनोक्तत्वाद्द्वापरान्ते। मनोश्च वेदार्थोपनिवद्धत्वात् प्राधान्यं

दीप्तिः

(19a) सजातीय विजातीय पुत्राणां पितृधनाधिकारनिरूपणप्रसङ्गे वहूनां मुनीनां वचनानि उद्धृतानि। तत्र मतविप्रतिपत्तौ समादधाति निबन्धकारः। मन्वादिवचनं सर्वकालसाधारणम्। नारददेवलादीनां भिन्नमतं कलीतरपरम्। उद्धृतकात्यायनवचनस्य पाठभेदो दृष्टः। कात्यायनस्मृतिसारोद्धारसङ्कलकेन महामहोपाध्याय पाण्डुरङ्ग काणे महोदयेन वयं विज्ञापिताः (उक्त श्लोकस्य टिप्पनी मध्ये p. 302) यत् कल्पतरौ विवादचिन्तामणौ अपि तृतीयांशाहरत्वं दत्तकपुत्राणां स्वीकृतम्। वङ्गदेशे दत्तकपुत्राणां तृतीयांशहरत्वं, वाराणस्यां पुनः चतुर्थांशहरत्वम्। कौटिलीये अर्थशास्त्रे धर्मस्थीयाख्ये

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45. दायभागधृतं कात्यायनवचनम् ईदृक्- उत्पन्ने त्वौरसे पुत्रे तृतीयांशह्राः स्मृताः। सवर्णा असवर्णास्तु ग्रासाच्छदनमागिनः। (दायभागः-पृः 148 दशमाध्याये), P.V. Kane महोदय सङ्कलिते कात्यायनस्मृतिसारोद्धारे—पुनः—उतपत्रेचौरसे पुत्रे चतुर्थांशंहराः सुताः। सवर्णा असवर्णास्तु ग्रासाच्छादनभाजनाः॥ (कात्यायनस्मृति सारोद्धार by P.V. Kane—V. 10 857) दत्तकचन्द्रिकाधृत कात्यायनवचने— ".... तृतीयांशहराः स्मृताः।" .... इत्येवपाठः। ततः "चतुर्थांशहराः स्मृताः इति द्वितीयचरणे क्वचित पाठः"। (दत्तकचन्द्रिका- पृः 29)। एवं अक्ष्मीधरीय कल्पतरौ— (कल्पतरुव्यवहार नाम कात्यायनवचने पुनः उत्पत्रे त्वौरसेपुत्रे तृतीयांशहरा स्मृताः p. 710। विवादरत्नाकरेहपि (p548) तृतीयांशभागित्वं । तस्मिंश्चेत् प्रतिगृहीते औरस उत्पद्यते स चतुर्थ भागभागी स्यात् मैथिलवाचस्पतिमिश्रकृतविवादचिन्तामणौ दायविभागप्रकरणे, पृः 234 (विवादचिन्तामणि, edn. Venkateswar Press Bombay, 1820, Ś.8.) अपि तृतीयांशहराः "इत्येव पाठो लभ्यते"।

तृतीये अधिकरणे सप्तमे अध्याये द्वादशविधाः पुत्राः आलोचिताः। तत्रापि तृतीयांशभागित्वम् एव स्वीकृतम्। यथा– "औरसे तूत्पन्ने सवर्णास्तृतीयांशहराः। असवर्णा ग्रासाच्छादनभागिनः" (अर्थशास्त्रम् III. 7.)। "गौतमधर्मसूत्रे (28.32) पठितं सामान्यरूपेण--"चतुर्थांशिन औरसाद्यभावे"। अत्र हरदत्त-कृतायां मिताक्षराटीकायामुक्तं-"अथवा नैते कानीनादयो न रिक्थभाजः किन्तु चतुर्थांशिनः। पितृधनस्य चतुर्थांशं भजेरन्। पूर्व्वोक्तानां षण्णामौरसादीनाम् अभावे"। बौधायनधर्मसूत्रे (2.2.11) पुनः "औरसे तूत्पन्ने सवर्णास्तृतीयांश्स्य हराः"।। fol. 21b पृष्ठायाम् उद्धृतात् बौधायनगृह्यशेषात् (2.6.4)– यद्येवं त्वौरस उत्पद्यते तुरीयभाग् एव भवति...."चतुर्थांशभागित्वमायाति। मन्ये सुप्राचीनकालादेवारभ्य एतद्विषये मतद्वयं प्रचक्रमे।। आस्ताम्—अधुना द्रष्टव्यं भवदेवादर्वाग्जातेन पारिभद्रीयजीमूतवाहनेन स्वकीये दायभागे किं कृतम्। यथा– "औरसेन तु क्षेत्रजादीनां विभागे ये पितृसवर्णा औरसपुत्राश्चोत्तम (स) वर्णाः पुत्रिकापुत्र—क्षेत्रज-काणीन-गूढ़जापविद्धसहोढ़ज पौनर्भव दत्तक-स्वयमुपागतकृतक-क्रीताः पुत्राः ते औरसपुत्रभागस्य तृतीयांशभागिनः। तदाह द्वादशपुत्रानभिधाय देवलः—।" "तदनु देवलवचनोद्धारानन्तरम्-- औरसादयः षट् न केवलं पितृदायहराः किन्तु वन्धूनामपि सपिण्डादीनां दायहराः, अन्ये परभूताः पितुरेव परं दायहराः न सपिण्डादीनाम्।। इत्यादि (दायभागः पृः- 146-147, दशमाध्याये)। दत्तकचन्द्रिकायामपि एतत्परमेव सिद्धान्तं पश्यामः। तस्य सारस्तु अयम्-दत्तकग्रहणानन्तरं औरसो जायते चेत् गुणवान् दत्तकः तृतीयांशं निर्गुणदत्तकः चतुर्थांशम् औरसधनास्य भजेत वशिष्ठानुसारम्। दत्तको यथा पितामहधने तथा मातामहधनेऽप्यधिकारी। तत्र वहुमुनिवचनेषु यद्यपि दत्तकस्य पूर्वषट्कमध्ये न परिगणनं दृश्यते तथापि स्मृतिषु मनोः प्राधान्यात्। मनुवचने च दत्तकस्य पूर्वषट्कमध्ये परिगणनात् निबन्धारः एवं निर्णीतवन्तः। दत्तकः सगोत्रबन्धोः धनं प्राप्नुयात् किन्तु भिन्नगोत्रबन्धोः मातामहस्य धने नासौ अधिकारी। धर्माधिकरणेषु अपि अयमेव निर्णयः प्रचलति स्म यत्—यत्र मुनिना दत्तको बन्धुदायादरूपेण न परिगणितः -- तत्र मुनिवाक्ये असौ बन्धुः असगोत्रबन्धुः अर्थात् मातामहादिबन्धुरित्यवगन्तव्यः। यत्र च बन्धुदायादरूपेण गृहीतो दत्तकस्तत्र बन्धुपदेन पितामहभ्रात्रादीनां ग्रहणम्। तत्र प्रमाणं मानवीयनवमाध्यायस्थ-158 संख्यकश्लोकस्य व्याख्यानम्। पितृधने वा पितामहधने वा दत्तकपुत्रो वा पौत्रो वा प्रपौत्रो वा स्वकीयं योग्यांशम् अर्थात् तृतीयांशं चतुर्थांशं वा भजेत—। दत्तकचन्द्रिका (पृः 27-31)।। हन्त! अधुना नैषा व्यवस्था प्रचलति। सार्वभौमभारतराष्ट्रविधायकमण्डल्यां गृहीतेन विधानेन सर्वास्ता अपसारिता इत्यलं विस्तरेण।

(19a) That is clarified here (by the words) : the *savarṇas* among then etc. when there is no *aurasa* son (these sons) inherits the entire property—this is settled from the meaning itself. The other (types of sons) enumerated is the latter group, when there is an *aurasa* son, get one third of the paternal wealth only and nothing of the property of the cognates. This is clear from the import and from the use of the word '*eva*' (emphatic) (in the above quotation from Devala). (And) this is in omission with (the words of) Kātyāyana—"when an *aurasa* son is born they inherit (only) one third of the property". (So) the conclusion is that in the absence of an *aurasa* son, the sons belonging to the latter category inherit the entire property of the father only.

Thus the difference of opinion among the sages is reconciled in this way : What has been told in Manu, Baudhāyana, Kālikāpurāṇa, Yājñavalkya, Atri, Vyāsa and other works to the effect that a Dattaka son is to be counted in the first category/group of six sons, holds good in all the *yugas* (ages). The view of Nārada, Devala[46] and others is tenable in ages other than the Kaliyuga. For Vyāsadeva, at the end of the Dvāparayuga, narrated the Puranic religion, hinting at the Kaliyuga only. So far as Manu is concerned : Manu's pre-eminence is assured since he has recorded only Vedic customs and usages. "Whatever goes against the findings of Manu is not a commendable smṛti", from this statement of Bṛhaspati and

(19a) ইহাই স্পষ্ট করিয়া বলিতেছেন—"তাহাদের মধ্যে যাহারা সবর্ণ"—ইত্যাদি বাক্যের দ্বারা। "ঔরসপুত্র না থাকিলে সমগ্র ধনের অধিকারী হয়"—ইহা অর্থ হইতে জানা যায়। অবশিষ্ট অর্থাৎ পরবর্ত্তী ছয়পুত্র ঔরসপুত্র থাকিলে পিতার সম্পত্তি হইতে (কেবলমাত্র) তৃতীয়াংশভাগী হয়। "সপিণ্ডদের ধন হইতে নয়"—এইটি অর্থ হইতে ও 'এব' এই শব্দের প্রয়োগ হইতে পাওয়া যায়। "ঔরস পুত্রজাত হইলে তাহারা তৃতীয়াংশভাগী হয়" এই কাত্যায়নবচনের সহিতও (এই ব্যাখ্যার)

46. Jīmūtavāhana concludes thus : *manuvacane* (9/163 *eka evaurasaḥ putraḥ* etc.) *Śeṣapadaṃ* Kātyāyanavacane (as quoted in fn. 45 ante) *cāsavarṇapadaṃ hīnavarṇaparaṃ, devahenaikavākyatāt* (Dāyabhāga, p. 148).

মিল পাওয়া যায়। ঔরসপুত্র না থাকিলে পরবর্ত্তী ছয়পুত্র পিতারই সকল সম্পদের অধিকারী হয়—এই অর্থ শেষ পর্যন্ত আসে।

তাই মুনিদের মধ্যে এই মতবৈষম্যের এইরূপ সমাধান করা যাইতেছে—মনু-বৌধায়ন কালিকাপুরাণ যাজ্ঞবল্ক্য অত্রি ব্যাস প্রভৃতিরা দত্তক পুত্রকে যে প্রথম ছয়জনের মধ্যে গণন করেন তাহা সর্বকাল সাধারণ। অর্থাৎ সকল যুগেই গ্রাহ্য। নারদ, দেবল প্রভৃতির বচন কলি ভিন্ন অন্যযুগে গ্রাহ্য। এই জন্যই দ্বাপর যুগের শেষে কলিযুগকে লক্ষ্য করিয়া ব্যাসদেব পুরাণাদিবিহিত ধর্মকে প্রচার করিয়াছিলেন। মনুর বিষয়ে=বৈদিক আচার ব্যবহারাদি স্বগ্রন্থে নিবদ্ধকরার জন্য মনুরচিত স্মৃতিগ্রন্থের অন্যসকল স্মৃতি অপেক্ষা প্রাধান্য অবশ্য স্বীকার্য। মনুর মতের বিপরীত মতপূর্ণ স্মৃতিগ্রন্থ প্রশংসনীয় নয় .....

36. মূলম্

(19B) हि मनोः स्मृतेषु। मन्वर्थविपरीता या सा स्मृतिर्न प्रशस्यते इति बृहस्पति वचनात्[47] मनुर्वैयत् किञ्चिदवदत् तद्भेषजं भेषजताया[48] इति भाष्याच्च मनुवाक्यादेव व्यवस्था। बन्धुधनाधिकारे मनुनैव द्वादशविधपुत्रानभिधाय ''वहवश्चेत्तु सदृशाः पुत्रा रिक्थहराः पितुः'' (मनु 9.184 ed.)। ''पिताहरेदपुत्रस्य रिकथं भ्रातरएव वा'' (ibid. 9. 185 ed.), त्रयाणामुदकं कार्यं त्रिषु पिण्डः प्रवर्त्तते। चतुर्थः सम्प्रदातैषा पञ्चमो नोपपद्यते (ibid. 9.186)–अत्र औरसादीन् उपक्रम्य वहव इत्यादि यदि समानरूपाः पौनर्भवादयो वहवः पुत्राः पितृरिक्थहरा भवन्ति इत्यनेनोच्यते औरसाद्यन्तु एक एवौरसः पुत्र इत्यनेन सिद्धत्वात् अविद्यमानौरसपुत्रस्य पत्नीदुहितृरहितस्य पिता धनं गृह्णीयात् तेषामभवे भ्रातरो गृह्णीयुः। इदानीं क्षेत्रजा--

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47. वेदार्थप्रतिवद्धत्वात् प्रामाण्यं तु मनोः स्मृतम्। मन्वर्थविपरीता तु या स्मृतिः सा न शस्यते।।--(वृहस्पतिस्मृतिः (संस्कारकाण्डम् v. 13.)

48. (i) यद्वै किञ्च मनुरवदत् तद् भेषजम् —II. 'तैत्तरीय संहिता II. 2.10.2.
(ii) मनुर्वै यत्किञ्चावदत् तद्भेषजं भेषजातायै--''ताण्ड्यब्राह्मण 23.16.7-अत्रभाष्यम् रागद्वेषादिशोकापनोदकस्य मनोः परानुग्रहार्थं स यत् किञ्चमपि धर्मविषयं वाक्यमवदत् तद्भेषजं हितम्। अर्थ यस्तदीयधर्मं सामिधेणीकरणं भेषतायै सकलदोषस्य औषधाय भवति।।

दीप्तिः

(19b) मनुवचनानां प्राधान्यं सर्वथा स्वीकार्यं तस्य वेदार्थोपनिवद्धत्वात् इति।। मनुर्वै यत् किञ्चिद् इत्यादि तैत्तिरीय संहितायां ताण्डयमहाब्राह्मणे चे श्रुयते-तस्य श्रुतिवाक्यस्य भाष्यरूपेणापि यत् कथितमिति--भाष्याच्च इति।।

पुत्राणां धनभागित्वविषये मनुना व्यवस्थितं यत्र सर्ववर्णजाताः पुत्रा वर्त्तन्ते ब्राह्मणस्य, तत्र ब्राह्मणीपुत्रः त्र्यंशम्, क्षत्रियापुत्रोऽ शंद्वयम्, वैश्यापुत्रः सार्द्धैकांशं शूद्रापुत्रश्च अंशमात्रं हरेत्। यत्र सर्ववर्णानाम् एकैकपुत्रसद्भावस्तत्रेयं व्यवस्था। यत्रैको ब्राह्मणीपुत्रः अपरश्च क्षत्रियासुतः तत्र सर्वधनस्य भागपञ्चकं विधाय ब्राह्मण्यां जातस्य भागत्रयं क्षत्रियायां जातस्य भागद्वयम्। अथवा सर्ववर्णसमाहारे सर्वं रिकथं दशधा परिकल्प्य भागचतुष्टयभागत्रितय-भागद्वितय भागैकं-यथाक्रमं ब्राह्मण क्षत्रियवैश्य-शुद्रजातानां कल्पयेत्। अत्र किञ्चिद्गुणवत्त्वेन विभागप्रकारद्वयम् इति जीमुतवाहनः। अथवा परपरापेक्षया पूर्व पूर्वस्य श्रेष्ठत्वात् इयं व्यवस्था। श्रेष्ठत्वस्य फलमियत् यत् क्षेत्रज-गुणवद्दत्तकं व्यतिरिच्य सति पूर्वपुत्रे परपुत्रो न धनाधिकारी। पूर्वपुत्रः सर्वस्य धनस्य भागीभूत्वा अन्यान् ग्रासाच्छादनेन विभृयात्। तत्र शूद्रापुत्रस्य औरसत्वसद्भावेऽपि क्षेत्रजादिपुत्रसत्तायां तस्य न पितृधनेऽधिकारः। यदि तुल्यरूपाणां पौनर्भवादिपुत्राणां सद्भावस्तदा सर्वे तुल्यांशिनो भवेयुः-- इति कुल्लूकभट्टः। कस्यापि मुख्यामुख्यपुत्राभावे, पौत्रप्रपौत्राभावे पत्नीदुहित्रोरभावे तस्य पिता एव धनभागी-भवति, तस्याप्यभावे तादृशजनस्य भ्राता तद्धनमाप्नुयात् ।।

त्रयाणामुदकं कार्यम्--पितुः, पितामहस्य, प्रपितामहस्य च इति पुरुषत्रयस्य पिण्डतर्पणोदकादिदानं चतुर्थपुरुषेण सम्प्रदात्रा निष्पाद्यते। पिण्डोदकयोर्दाता चतुर्थः पुरुषः।--पञ्चमे पुरुषे अर्थात् प्रपौत्रपुत्र-- वृद्धप्रपितामहयोः सापिण्डय सम्बन्धेव नास्ति। तेन पौत्रप्रपौत्राणाम् अपुत्रपितामहादिधने अधिकारः प्रवर्त्तते।। व्यवस्थाविस्तरस्तु दायभागादौ अनुसन्धेयः।।

(19b) Whatever Manu has said is (wholesome as) medicine—from this statement in the (Veda) Bhāṣya (?) (recording Manu's pre-eminence) procedure is prescribed according to Manu's findings.

In the context of inheritance to property of the Bandhus (cognates or kinsmen), Manu himself after narrating twelve types of sons (has told) : If there be several sons of the same caste, then all of them receive (equal share) of the paternal

property (Manu. 9.184 ed). The property of a person having no son (grandson, great grandson, wife, daughter) goes to his father and in his absence to his brother (*Ibid.* 9.185 ed). Great grand father, grandfather and father—to these three (generations) *piṇḍa* and *udaka* are to be offered by the son representing the fourth generation. In this matter there is no fifth party (*Ibid.* 9.186). In such cases, beginning with the *aurasa* son..... "*bahavaḥ*....."etc. means : "if *paunarbhava* and other types of (secondary) sons all from the same caste as the father's be inheritors to the property of the father....". From this it is understood that "from the *aurasa* to the last type (of son)", because, "*aurasa* son on the other side....." by such statement itself the purpose is served. His wealth, who has no *aurasa* son, no wife, no daughter, goes to his father. In the absence of father, brother receives the wealth. Now—

(19b) এই বৃহস্পতিবচন হইতে এবং 'মনু যাহাই বলিয়াছেন তাহাই ঔষধসমূহের মধ্যে ঔষধ ইত্যাদি ভাষ্য (?) বচন হইতে (মনুর প্রাধান্য নিরূপণ করিয়া) মনুর বচন অনুযায়ী-ই ব্যবস্থা (করা হয়) (সপিণ্ডাদি) বন্ধুদের ধনের অধিকার নিরূপণ প্রসঙ্গে মনু স্বয়ং দ্বাদশবিধ পুত্রের কথা বলিয়া "যদি সবর্ণ বহুপুত্র থাকে তাহারা সকলেই ধনের (তুল্যাংশ) ভাগী হইবে (মনু, 9.184cd); (পৌত্র, প্রপৌত্র, পত্নী, দুহিতা এবং মুখ্য ও অমুখ্য) পুত্রহীন ব্যক্তির ধন তাহার পিতা পাইবেন ও তাহার অভাবে তাহার ভ্রাতা পাইবে (9.185cd)। প্রপিতামহ, পিতামহ ও পিতা এই তিনজনের (উদক ও) পিণ্ডদান করণীয়। চতুর্থজন পুত্র হইল পিণ্ডোদক দাতা। এ বিষয়ে পঞ্চমজন কেহ নাই (9.186) (ইত্যাদি বলিয়াছেন)। এইসবক্ষেত্রে ঔরসাদি উপক্রম বা আরম্ভ করিয়া 'বহবঃ' ইত্যাদিতে (বক্তব্য এই যে) যদি সমানরূপ বা সমান বর্ণ পৌনর্ভবাদি অনেক পুত্র পিতার ধনের অধিকারী হয়—। ইহার দ্বারা বোঝা যায় ঔরস হইতে আরম্ভ করিয়া শেষ (পুত্র) পর্যন্ত। (কারণ) একদিকে ঔরসপুত্র (এইরূপ) বচনের দ্বারাই কার্যসিদ্ধ হইয়া যায়। যাহার ঔরসপুত্র নাই পত্নী ও দুহিতা নাই তাহার ধন তাহার পিতা গ্রহণ করিবে। পিতার অভাবে ভ্রাতা গ্রহণ করিবে।

37. मूलम्

(20A) (क्षेत्रजा) दीनामपुत्र पितामह बन्धुधने अधिकारं दर्शयितुमाह "त्रयाणामित्यादि"। त्रयाणां पित्रादीनाम् उदकदानं कार्य्यं, त्रिभ्य एव च पिण्डा देयाः, अर्थात् क्षेत्रजादिभिः। चतुर्थश्च क्षेत्रजादिः पिण्डोदकयोर्दाता, पञ्चमस्यात्र सम्बन्धो नास्तीति। तस्माद्युक्तः अपुत्रपितामहादि बन्धुधने गौणपौत्राणामधिकारः।[49] न चैतदौरसपुत्रपौत्रादिविषयं वाच्यं तेषां "पुत्रेण लोकान् जयति पौत्रेणानन्त्यमश्नुते" (मनु 9.137 ab) इत्यादिना पूर्व्वं धनभागित्वस्योक्तत्वात् पिष्टपेषणं स्यात् (।) क्षेत्रजादिप्रकरणे चैतदुक्तस्य वैयर्थ्यादिति ज्ञेयम् एवमेव तट्टीकाकृतः सर्व्वे। तस्मात्-मनुस्मृत्येकवाक्यतापन्न-वौधायन-कालिकापुराणादि[50] वचनादौरस-पुत्रपौत्रैस्तादृशपुत्रस्य विभागे बन्धु धनस्यापि तृतीयांशभागित्वमिति सिद्धम्।

दीप्तिः

(20a) अत्र या व्यवस्था सा न अैरसपुत्रपौत्रादिविषयिणी। अैरसपुत्रपौत्रयोश्च पुत्रेण लोकान् जयति (M.9.137) इत्यनेनैव विहितत्वात्। एवमेव तट्टीकाकृतः। न जाने केते। मनुस्मृतेः यावन्तष्टीकाकारा अद्यत्वे ज्ञाताः तन्मध्ये भट्टमेधातिथिमतिरिच्यि अन्ये सर्वे भट्टभवदेवतः अर्वाचीनाः। किञ्च कुल्लूकभट्टकृतटीकायाः अस्मिन् प्रसङ्गे महत् हि शब्दसाम्यम्। तथाप्यसौ भवदेवस्य अस्मिन् विषये उत्तमर्णः इति कालविपर्ययभिया न वक्तुं शक्यते। अतो भवदेव एवासीत् उत्तमर्णः। किम्बासन् अन्ये प्राचीनतया टीकाकृतः येषां नामानि पुस्तकान्यपि अधुनालुप्तानि। तेषामेवोल्लेखः भवदेवेन कृतोऽत्र। स्मर्त्तव्यं यद् "वेदोऽखिलो धर्ममूलम्—" इत्यादि (मनु 2.6) श्लोकव्याख्याने मेधातिथिना विवरणकारनामकः कश्चन मनुव्याख्याता उद्धृतः।

(20a) To establish the right, to inherit to the property of the son less grand father and other *Bandhus* (kinsmen), of the *Kṣetraja* and other types of (secondary) sons, (Manu) said: Of the three etc. *(trayāṇām ityādi), trayāṇāṃ pitrādīṇām*—of the three father etc. (ie. father, grand father and great grand

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49. अत्र कुल्लुकभट्टकृतमन्वर्थ मुक्तावल्या सह शब्दसाम्यं विशेषतो लक्षणीयम्।

50. बौधायनकालिकापुराणवचने इतः पूर्वं 17.a. पृष्ठायामुल्लिखिते।

father), libation of water is to be given to them, three *piṇḍas* (rice balls) should be given ie. by *Kṣetraja* and others. And the fourth one is really the *Kṣetraja*/others—the giver of *piṇḍa* and *udaka* (water), there is no relationship with the fifth one and therefore it is proper that to the estate of the son less grand father and other kinsmen (even)—the secondary are heirs (ie. have right to inherit). It is not to be said that the passage is concerned with *aurasa* son, grandson and so on, (because) already in (Manu. 9.137)— "By son one conquers the heavenly regions, by grandson one acquires perpetuity in those regions etc." their right to property has been told and so it will be pressing what has already been pressed and (in that case) the statement made in the context of *Kṣetra* and other (secondary) sons will be futile, that also is to be noted. All the commentators of his (ie. Manu's) work hold the same view. Therefore, as per the statement of Baudhāyana and Kālikāpurāṇa etc. which is in sucition with Manu Smṛti, in the case of partition of ancestral property among aurasa son, grand sons and such (secondary) sons the latter's right to get one third of the property of the Bandhus (Kinsmen) is proved—

(20a) এখন, ক্ষেত্রজাদি পুত্রদের পুত্রহীন পিতামহ প্রভৃতি বন্ধুদের ধনে অধিকার প্রদর্শনের জন্য বলা হইয়াছে। ত্রয়াণামুদকং কার্যং (মনু 9.186) ইত্যাদি তিনপুরুষের, পিতা, পিতামহ ও প্রপিতামহের উদ্দেশে উদকদান করণীয়, এই তিনজনেরই পিণ্ডদানকরণীয় অর্থাৎ ক্ষেত্রজাদির দ্বারা করণীয়। চতুর্থজন হইল ক্ষেত্রজাদিপুত্র— যে পিণ্ডদান ও উদকদান করিবে। পঞ্চমজনের এখানে কোনও সম্বন্ধ নাই। তাই অপুত্রপিতামহাদি বন্ধুর ধনে গৌণপৌত্র (ক্ষেত্রজাদির) অধিকার ন্যায্যই (মনুস্মৃতির 9.186 শ্লোকের কুল্লূকভট্টকৃতটীকার সহিত এই অংশের যথেষ্ট সাদৃশ্য আছে)। ঔরস পুত্র পৌত্রাদি প্রসঙ্গে ইহা বলা হইয়াছে—এইরূপ বলা যাইবে না—কারণ তাহাদের (পুত্রেণ লোকান্ জয়তে ইত্যাদি 9.137 শ্লোকে) পুত্রের দ্বারা লোকে স্বর্গাদিলোক লাভ করে, পৌত্রের দ্বারা ঐ স্বর্গাদিলোকে চিরস্থায়িত্ব লাভ করে ও প্রপৌত্রের দ্বারা সূর্যলোক লাভ করে ইত্যাদি শ্লোকে ধনাধিকারিত্ব পূর্বেই বলা হইয়াছে বলিয়া (এখানেও তাহা বলা হইতেছে বলিলে) পিষ্টপেষণ (চর্বিত চর্বণ) দোষ হইবে এবং ক্ষেত্রজপুত্রদের প্রসঙ্গে তাহা (প্রক্রমভঙ্গ বশতঃ) ব্যর্থ হইয়া যাইবে। এইরূপ মতই মনুস্মৃতির সকল টীকাকারদের ইহা জ্ঞেয়। তাই মনুস্মৃতির সহিত একবাক্যতাযুক্ত

বৌধায়ণ ধর্মসূত্র, কালিকাপুরাণ প্রভৃতির বচন দ্বারা ঔরসপুত্র পৌত্রের সহিত তাদৃশ (=ক্ষেত্রজাদি) পুত্রের ধনবিভাগকালে (তাহাদের) বন্ধুধনের ও তৃতীয়াংশভাগিত্ব সিদ্ধ হইল—

38. मूलम्

(20B) असति प्रपौत्रपर्यन्ते सर्वधनभागित्वमिति सुसिद्धम्। नन्विदं वार्हस्पत्य (वार्हस्पत्यं) मनु प्राधान्यख्यापकं हेतुवन्निगदेन सूचितं तत् किमन्यस्मृतीनां वेदार्थानुभवं विनैव स्वकपोलरचितत्वमुत नेति। इष्टापत्तौ च या वेदवाह्याः स्मृतयोः (यः) याश्च कुदृष्टयः[51] स्मृताः। सर्व्वास्ता निष्फलाः प्रेत्य तमोनिष्ठा हि ताः स्मृताः (Manu XII. 95) इत्यादि मन्वादिवचने वेदवाह्या चार्वाकाद्यनुगता चैत्यवन्दना-दिना (--वेदवाह्यचार्वाकाद्यनुगतचैत्यवन्दनादिना) स्वर्गोभवतीत्यतत्रवापास्ताः[52] प्रेत्य परलोके नरकावहा इत्यर्थः। एवञ्च स्मृतीनां वेदार्थानुभवजन्यत्वं स्मृतीनां[53] व्याहन्येत। अत्रोच्यते उपनिवद्धत्वादित्यनेनैव समाधानमलं परिश्रमेण इति। तथाहि उपसमीपस्थितेन...(? अर्थान्मी-नावतारस्य)[54] मनुना तन्मुखश्रुत वेदार्थस्य सङ्कलनया निवद्धत्वात् प्रतिबद्धत्वात्।

दीप्तिः

(20b) विषयान्तरमवतारयति। मन्वादिवचनेन चार्वाकाद्यनुगतवेदवाह्यचैत्य-वन्दनादिना स्वर्गोभवति इत्यादिकमपास्तम्। याः स्मृतयः वेदमूला न भवन्ति दृष्टार्थवाक्यानि, चैत्यवन्दनात् स्वर्गो भवति इत्यादिमूलकानि, यानि च असत्तर्कमूलकानि देवतापूर्वादिनिराकरणात्मकानि वेदविरुद्धानि चार्वाकदर्शनानि सर्वाणि परलोके यस्मान्नरक फलकानि तानि मन्वादिभिः गर्हितानि स्मृतानि इति

51. V.L. या वेदवाह्याः स्मृतयो याश्य काश्च कुदृष्टयः।
सर्वास्ता निष्फलाः प्रेत्य तमोनिष्ठा हि ताः स्मृताः।। इति मेधातिथिकुल्लुकधृत पाठः

52. अत्रापिकुल्लुकवचनं संवदति। चैत्यवन्दनादिना--अत्र आदिना भस्मगुन्ठनं नरकपाल धारणमित्यादिकं ज्ञेयं तद्य टीकायां विस्तृतम्।

53. पदमिदं त्यक्तुं शक्यम्-अधिकत्वात्।

54. अविस्पष्टस्य पाण्डुलिपिमध्यस्थैतदंशस्य "विष्णोर्मीनावतारस्य" इत्यपि पाठो भवितुं शक्नोति-Here is a reference to the story of the great deluge when Manu and his followers were saved by a great fish and the story is narrated in the मनुमत्स्यकथा of the Yajurveda *(Śatapatha Brāhmaṇas)* in the *Mahābhārata* & in the *Matsyapurāṇa.*

कुल्लूकानुसारी पन्थाः। भट्टमेधातिथिस्तु वेदवाह्येषु सम्प्रदायेषु भस्मगुन्ठनं नरकपालधारणमपि धर्मत्वेन स्वीकृतम् । स तु न वैदिको धर्मः (मनु 2.1)। संसारमोचकनामकाः केचन प्राणिहिंसामपि धर्मं वदन्ति। एषा तु प्रत्यक्षवेदवाक्य निषिद्धा (2.6)। वेदवाह्याः श्रुतयः वेदविरुद्धाः ग्रन्थसन्दर्भाः, तेषु निबद्धानि वचनानि यथा चैत्यवन्दनेन स्वर्गो भवतीति उपदेश मूलकानि। ते च उपदेशा शाक्यनिर्ग्रन्थादि सम्प्रदाय सिद्धान्तत्वेन प्रसिद्धाः। कुदृष्टयः कुदर्शनाः असत् तर्कमूलकाः यथा वेदस्य रचयिता कश्चिदस्ति इत्यनुमानम्। अपूर्वं नास्ति देवता नास्ति इत्यादि वेदपौरुषेयत्व प्रमापकाणि शास्त्राणि॥ (12.95) मीनावतारस्य इति–प्रलयपयोधिजलाद् वेदानुद्धृतवान् मत्स्यरूपधारी नारायणः इति सुप्रसिद्धम्। तस्मादेव वेदात्–

(20b) In the absence of male issue upto the level of great grandson, they become inheritors to the entire property (and not one third only) this is well established. Well ! Does this statement, like one *hetu-vat nigada* (roughly—like an *arthavāda* statement), of Bṛhaspati, proclaiming Manu's pre-eminence prove that other Smṛtis were composed (by their authors) as per their own imaginative power without any (first hand) experience of Vedic traditions ? As desired objection (objection but tending to produce desired effect -*iṣṭāpatti*) (one may quote) : "The Smṛtis that are outside the pale of Vedic religion, which are vitiated by bad vision— all prove futile after death, because they are grounded in *tamoguṇa*"—in this and such other statements of Manu etc.— (the purport is this :) "by worshipping *caityas* etc. which is outside the Vedic religion and which is accepted by the Cārvākas, life in heaven is assured/achieved—for this only they (ie. such Smṛtis) are rejected/*pretya* means in the next world—it results in residence in hell. Thus (if such Smṛtis be accepted as authoritative) the Vedic mooring of the Smṛtis will be set to naught (In other words the idea that the Smṛtis are written only on remembering and realising by heart the Vedic customs and usages will be nullified). Here it is told (thus)—By only the expression *upanibaddhatvāt* (on account of being incorporated) solution is arrived at there is no use of labour (on the meaning of other words). Because, upa ie. near at hand, by such Manu, listening from the mouth of the fish incarnation (of Viṣṇu), the Vedic customs etc. were compiled, codified—the same Vedic customs—in twelve

chapters in verses and made them public and hence his pre-eminence.

(20b) প্রপৌত্র পর্যন্ত পুংজাতকের অভাব হইলে, তাহারা সমস্ত সম্পত্তির অধিকারী (এক তৃতীয়াংশ নয়)—ইহা খুবই সুপ্রসিদ্ধ। এখন কথা হইল যে বৃহস্পতির এই জাতীয় মন্তব্য (যেমন *হেতুবদ্ নিগদ* যাহা অর্থবাদের মত শোনায়) যাহা আচার্য মনুর প্রাধান্যকে অনুসরণ করে প্রমাণ করে যে অপর স্মৃতিগুলি বেদের অর্থ অনুভব না করে আপন কল্পনার দ্বারা কি রচিত হয় নি? এমন অভিলষিত আপত্তি (যে আপত্তি ইষ্টমঙ্গল উৎপাদন করে) যে (একজন বলিতে যে) যাহা বেদবহির্ভূত স্মৃতি সেইগুলি কুদৃষ্টি সম্পন্ন। মৃত্যুর পর এই সকলই নিষ্ফল। ইহাতে এবং অন্য মনুবচনেতে (মনু ১২/৯৫) কথিত আছে যে চৈত্যবন্দনাদির দ্বারা যাহা বেদবহির্ভূত ধর্ম অথচ চার্বাকাদির দ্বারা স্বীকৃত (যে) স্বর্গের জীবনসুখ আমাদের নিশ্চিত। এই জন্যই সেই জাতীয় (স্মৃতিগ্রন্থ) আমাদের ত্যজ্য। প্রেত্য শব্দের অর্থ পরলোক যাহা (আমাদেরকে) নরকে স্থান দেয়। ইহার পর যদি এই সমস্ত স্মৃতি প্রামাণ্য বলিয়া ধরা হয় তাহা হইলে বেদার্থ অনুভব জন্য স্মৃতিগুলি নিষ্ফল হউক। তখন বলা হইতেছে যে *উপনিবদ্ধত্বাৎ*—এই বাক্যের দ্বারা সমাধান করার কোন প্রয়োজন নাই। তাই বলা হয় যে উপ শব্দের অর্থ সান্নিধ্য। সেই জন্যই বলা হয় যে বিষ্ণুর মীন অবতার ভূত মনু তাঁহার মুখ হইতে শুনিয়া বেদার্থের সঙ্কলনের দ্বারা নিবদ্ধ হেতু দ্বাদশ অধ্যায়ে গ্রন্থ প্রণয়ন করায় মনুর প্রাধান্য অত্যন্ত অধিক।

39. মূলম্

(21A) एतद्वेदार्थस्य द्वादशाध्यायैः पद्यरचनया ग्रथितत्वादित्यर्थः। अन्यस्मृतीनान्तु "इमं विवस्वते योगं प्रोक्तवानहमव्ययम्। विवस्वान् मनवे प्राह मनुरिक्ष्वाकवेऽब्रवीत्। एवं परम्पराप्राप्तयोगं राजर्षयो विदुः"।। (भगवद्गीता, ज्ञानयोगः 4. 1-2 ab) इति भगवदुक्तश्च शिष्यपरम्परोपदेशाद्वेदार्थानु-भवजन्यत्वं श्रूयते। मनोस्तु साक्षादेवेति अन्यस्मृत्यपेक्षितं प्राधान्यमिति व्यक्तं मत्स्यपुराण मार्कण्डेयपुराणयोः प्रपञ्चभयान्नेह प्रपञ्चितम्। प्रकृतमनुसरामः। अथ ग्रहणपरिपाटी--।। तत्र बौधायनः[55] अथ पुत्रपरिग्रहविधिः। पुत्रं

55. बोधायन गृह्यशेषः (सं एल श्रीनिसाचार्यः, महीशूरात् 1904 खृष्टाब्दे प्रकाशितः) 2.6.4 (द्वितीय प्रश्ने षष्ठे अध्याये)--

प्रतिग्रहीष्यन्नुपकल्पयति द्वे वाससी द्वे कुण्डले अंगुरीयकं (च) आचार्य्यश्च वेदपारगं कुशमयं वर्हिः पर्णमयमिध्म (म्) इत्यथ बन्धूनाहूय-

दीप्ति

(21a) आचार व्यवहार प्रायश्चित्तमूलकानाम् अर्थानां द्वादशभिरध्यायैः सङ्कलनं कृतम् इति। मीमांसा सूत्रेष्वपि स्मृतिप्रामाण्याधिकरणे (मी. सु. I. 3.1-2) धर्मस्य शब्दमूलत्वादशब्दमनपेक्ष्यं स्यात्। अपि वा कर्तृसामान्यात् प्रमाणमनुमानं स्यात्। इति सुत्रद्वयेन स्मृतीनां प्रामाण्यं प्रतिपादितम्। मनोश्च भिषकृतुल्यत्वं वेदवचनेनैव प्रतिपादितम्। स्मृत्यन्तराणां—श्रीभद्मगवद्गीताप्रभृतीनां शिष्यपरम्परया वेदार्थस्यैव सम्प्रसारकत्वात् प्रामाण्यंमुररीकर्तव्यम्। मनोस्तु प्राथम्यं सर्वैरेव स्वीकृतमित्यलं पल्लवितेन।

अधुना दत्तकग्रहण परिपाटी उपस्थाप्यते। बौधायनगृह्यसूत्रानुसारम्--बन्धून्- आत्मपितृमातृबन्धून्। बन्धुः स्वस्वजनाः समाः इत्यनेन ज्ञातिशब्दस्य बोधनादपि अत्र पारिभाषिकवन्धूनामेव ग्रहणम्। वर्हिः समित् पालाशं वा खादिरं वा अर्कः पलाशः खादिरः अपामार्गोऽथपिप्पलः। उडुम्बरशमीदूर्वाकुशाश्च समिधः क्रमात् इति पारस्करीये। बान्धवाह्वानं दृष्टार्थं राजाह्वानबत् वध्नन्ति जानन्ति आत्मीयतया परिगृहीतं दत्तकपुत्रम् दत्तकमीमांसायाम्—एवमाह! तत्र वन्धून् आहूतान् ब्राह्मणांश्च अन्नेन सम्भोज्य स्वगृह्योक्तं कर्म यथावत् सम्पाद्यम्।

(21a) Regarding other Smṛtis : "Oh sinless (pure) one ! I have narrated this everlasting Jñānayoga to Vivasvat (sun), Vivasvat told it Manu and Manu to (king) Ikṣvāku. Thus this science, the saint by monarchs received succesively."

This saying of the lord, given to instruct the success of students, evolved out of realisation of Vedic customs and usages—it is so heard. In the case of Manu, however, this (receipt of instruction) was direct and therefore his the relative superiority of Manu Smṛti to other works and this has been clearly narrated in the *Matsyapurāṇa* to the Mārkaṇḍeyapurāṇa and for fear of (excessive) digression that is not elucidated here. We will now follow the contextual matter. Now (is discussed) the procedure (of the ritual) of adoption. On that matter Baudhāyana says : "Now the procedure of taking a son in adoption (is being discussed) :

A man about to adopt a son procures two pieces of cloth, two earring, ring (for finger), an Ācārya well versed in the Vedas, an āsana of Kuśa grass and sacrificial fuel and then assembling the relatives inside the house—

(21a) অন্যস্মৃতির বিষয়ে ঃ—হে পাপহীন (অর্জুন), বিবস্বান্ সূর্যকে এই অব্যয় জ্ঞানযোগ আমি বলিয়াছিলাম। বিবস্বান্ মনুকে বলিয়াছিলেন, মনু রাজা ইক্ষাকুকে বলিয়াছিলেন। এই ভাবে পরম্পরাগতভাবে প্রাপ্ত যোগশাস্ত্রকে রাজর্ষিরা জানিয়াছিলেন। শিষ্য পরম্পরাকে উপদেশদানহেতু এই যে ভগবদুক্তি তাহা বৈদিক আচরণাদির অনুভব হইতে জাত বলিয়া শোনা যায়। মনুর ক্ষেত্রে এই বেদার্থানুভবটি সাক্ষাৎ বা প্রত্যক্ষ তাহাতে অন্য স্মৃতির তুলনায় মনু স্মৃতির প্রামাণ্য অধিক ইহা সুস্পষ্ট ভাবে মৎস্য পুরাণ ও মার্কণ্ডেয় পুরাণে বর্ণিত। অধিক বিস্তৃতির ভয়ে তাহা এখানে বিশদ বলা হইল না। (এখন) প্রাসঙ্গিক বিষয়ের অনুসরণ করিব। ইহার পর দত্তকপুত্র গ্রহণের পরিপাটী=সে বিষয়ে বৌধায়ন (বলেন)—অনন্তর (দত্তক) পুত্রগ্রহণের বিধি। পুত্রকে গ্রহণ করার ইচ্ছায়—"দুইটি বস্ত্র দুইটি কর্ণকুণ্ডল, অঙ্গুরীয়ক, বেদজ্ঞ আচার্য, কুশময় আসন, পর্ণময় দাহনোপযোগী যজ্ঞিয় কাষ্ঠ সংগ্রহ করিয়া সপিণ্ডবন্ধুদের আবাহন করিয়া—

40. मूलम्

(21B) निवेशनस्य मध्ये राजनि निवेद्य परिषदि वागारमध्ये ब्राह्मणानुपवेश्य पुण्याहं स्वस्ति ऋद्धि इति वाचयित्वा यद्देवयजनोल्लेखप्रभृति आप्रणीताभ्यः कृत्वा दातुश्च समक्षं गत्वा मे पुत्रं देहीति भिक्षेत। ददानीतीतर आह। तं परिगृह्णाति–धर्म्मायत्वा परिगृह्णामि सन्तत्यै त्वा परिगृह्णामि। अथैनं वस्त्र कुण्डलादिभिरलङ्कृत्य परिदधानः प्रत्यग्निमुखं कृत्वा पत्तमा जुहोति। यस्त्वा हृदा कीरिणा[56] मन्यमानः इति पुरोनुवाकमनूद्य यस्यैवं सुकृते जातवेद[56a] इति याज्यया जुहोत्यथ व्याहृतीर्हूत्वा स्विष्टकृतं प्रभृति सिद्धामाधेनुवरप्रदानदक्षिणां

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56 यस्त्वा हृदा कीरिणामन्यमानोऽमर्त्यं मर्त्यो जोहवीमि।
जातवेदो यशोऽस्मासुधेहि प्रजाभिरग्ने अकृतत्वमश्याम् R.V. 5.4.10, T.S.I. 4.46.

56a यस्मै त्वं सुकृते जातवेद उलोकमग्ने कृणवः स्योनम्।
अश्विनं स पुत्रिणं वीरवन्तं गोमन्तं ररिं नशतेस्वस्ति॥ R.V. 5.4.11. T.S.I. 4-46
for other references see Bloomfield's *Vedic Concordance*.

ददाति--एते च वाससी एते च कुण्डले एत तूद्याङ्गुरीयकं (।) यद्येवं त्वौरसमुत्पद्यते (अैरस उतपद्यते) स तुरीय भागे सम्भवति (तुरीयभाक् एष भवति)[56b]

दीप्तिः

(21b) आप्रणीताभ्यः इति प्रणीता घृतपात्रम्, कृत्वा इति शेषः। इतरः दाता। अलंकृत्येति वालकमिति शेषः। अग्निमुखं वालमग्निमुखं कृत्वेत्यर्थः। पक्त्वा चरुमिति शेषः। पुरोनुवाक्यया, याज्यया सामिधेन्या ऋचा इत्यर्थः। तत्र हविषः पात्राद् ग्रहणावसरे पठ्यमानो मन्त्रः पुरोनुवाक्या, हविषः वह्नौ प्रदानावसरे पठ्यमाना ऋक् याज्या अग्निसमिन्धनावसरे पट्यमाना च सामिधेनी इति याज्ञिकाः। स्विष्टकृत् होमविशेषः। याज्ञिकास्तु आधानकर्मसमाप्त्यङ्गककर्मविशेषः सु इष्टं यागं करोति यःसः इति व्युत्पत्तिलभ्यार्थः। आधेनुवरेति। धेनुः शंखस्तथानड्वान् हेम वासो हयः क्रमात्। कृष्णा गौरायसश्छाग एतावै दक्षिणाः स्मृताः इति वचनात्। ददातीति दद्यादित्यर्थः यो दत्तक एवमुक्तक्रमेण गृहीतः। तु शब्दो भिन्नक्रमे पश्चादौरसः पुत्र उतपद्यते चेत् तदा दत्तकश्चतुर्थभागभागी स्यादित्यर्थः। सम्भवति (दत्तकमीमांसाधृत पाठे) स इति शेषः इति दत्तकमीमांसा व्याख्यायां मम भरत शिरोमणयः॥

(21b) narrating everything to the king (in his absence to the village landlord) in an assembly of people or within the house—he (the adoptive father) will arrange the seat of the brahmins (ie. cause them to be seated), make them utter the formulas (connected with) *puṇyāha, svasti* and *ṛddhi* and

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56b दत्तकमीमांसा-73 पृष्ठायाम्। दत्तकचन्द्रिकायाम-12 पृष्ठायाम्। तैत्तिरोयाणमियमेव व्यवस्था। अतस्तेषु तेषु निवन्धेषु उद्धता। किन्तु वहुषु स्थलेषु मुद्राकरप्रमादः दृष्टिं विक्लवयति अतो बौधायनगृहयशेषत् प्रासंगिकांशस्य अयमुद्धारः--
अथ बन्धूनाहूय गृहमध्ये राजनिचावेद्य परिषदि वागारमध्ये ब्राह्मणानन्नेन परिविश्य पुण्याहं स्वस्त्यृद्धिम्- इति वाचयित्वा देवयजन...प्रभृत्या प्रणीताभ्यः कृत्वा दातुः समक्षंगत्वा....धर्मायत्वा गृह्णामि सन्तत्यै गृह्णामि इति। अथैनं वस्त्रकुण्डलाभ्यामङ्गुरीयकेण चालङ्कृत्यं परिधान प्रभृत्यग्निमुखं कृत्वा पक्वाज्जुहोति- "यस्त्वा हृदा कीरिणा मन्यमानः" इति पुरोनुवाक्यामनुच्य "यस्मै त्वं सुकृते जातवेदः" इति याज्यया जुहोति। अथ व्याहृतीर्हुत्वा स्विष्टकृत् प्रभृति सिद्धमाधेनुवर प्रदानात्। अथ दक्षिणां ददात्येते एव वाससी एते च कुण्डले एतद्याङ्गुलीयकम्। यद्येवं कृते औरसः पुत्र उत्पद्यते तुरीयभागेष भवतीति स्माह भगवान् बोधायनः॥

after the preparation, by digging, of the ritual ground (and) of works connected with *praṇita* (butter oil bowl) should go before the giver and beg of him (saying) "give me the son". The giver (other) will say "I give hereby". Then the adoptive father receiving the boy will say—"I receive you for Dharma, I receive you (for continuity of my family) as a child"—this and then decorating him with the ornaments (earrings, finger ring etc.) and clothing him and placing him facing the sacrificial fire cook the '*caru*' (rice soup with milk, honey etc.) and with it offer oblation chanting the mantra *yastvā hṛdā kīriṇā manyamānaḥ* etc. as the *puronuvākyā mantra* (the Vedic mantra uttered at the time of receiving the offering from the bowl) *yasmai tvaṃ sukṛte jāta vedaḥ* etc. as the *yājyā mantra* (the *mantra* uttered at the time of throwing of offering on the fire) then he should perform the Vyāhṛti homas the Sviṣṭakṛt rite and make gift of an well-bred milch cow as sacrificial fee and also this, pair of cloths, of earrings and ring (also are given as fee). If an aurasa son is born after this adoption, the adopted son becomes eligible to receive only one fourth of the adoptive father's property.

(21b) রাজাকে (অভাবে, গ্রামের ভূস্বামীকে) নিবেদন করিয়া, সভামধ্যে অথবা গৃহমধ্যে ব্রাহ্মণদের উপবেশন করাইয়া, পুণ্যাহ স্বস্তি ও ঋদ্ধিবাচন করাইয়া যজ্ঞস্থল নির্মাণ (দেবযজনোল্লেখ) হইতে ঘৃত পাত্র সম্পৃক্ত কার্য সমাপন করিয়া পুত্রদাতার সম্মুখে যাইয়া (গ্রহণকারী) প্রার্থনা করিবেন—'আমাকে পুত্র দিন'। অন্যজন অর্থাৎ দাতা বলিবেন 'দিলাম'। সেই পুত্রকে গ্রহণ করিয়া গ্রহীতা বলিবেন 'ধর্মের জন্য তোমাকে গ্রহণ করিলাম সন্ততি রক্ষার জন্য তোমাকে গ্রহণ করিলাম'। তাহার পর সেই বালককে বস্ত্র কুণ্ডলাদি দ্বারা অলঙ্কৃত করাইয়া বাসাদি পরিধানপূর্বক অগ্ন্যভিমুখী উপবিষ্ট করাইয়া চরুপাকপূর্বক হোম করিবেন। তাহাতে "যস্ত্বা হৃদা ক্ষীরিণা মন্যমানঃ। ইত্যাদি। পুরোনুবাক্যা (=হবিঃপাত্র হইতে হবিঃ গ্রহণকালে পঠনীয়) মন্ত্র পাঠ করিয়া যস্মৈ ত্বং সুনৃতে জাতবেদঃ ইত্যাদি যাজ্যা (অগ্নিতে হবিঃ প্রক্ষেপণকালে পঠনীয়) মন্ত্র পাঠ করিয়া হোম করিবেন। তাহার পর ব্যাহৃতি হোম করিয়া স্বিষ্টকৃৎ নামক যজ্ঞ ও একটি উত্তম ধেনু যজ্ঞকর্মের দক্ষিণারূপে প্রদান পর্যন্ত কর্মের (পরিধি বলিয়া) স্বীকৃত। এবং এই বস্ত্রযুগল, এই কুণ্ডলদ্বয়, এই অঙ্গুরীয়কও (দক্ষিণারূপে দেয়)। তাহার পরে যদি ঔরস পুত্র জন্ম গ্রহণ করে তখন এই দত্তকপুত্র (পিতৃধনের) চতুর্থাংশভাগী হইবে।

41. मूलम्

(22A) इत्याह स्म-बौधायनः। एतच्च प्रायशः साग्निकर्तृविषयम्। अथेत्यादिनिरग्नि-कर्तृकग्रहणे बोध्यम्। साग्नेः पुत्रेष्टियागनान्तरं वक्ष्यमाणत्वान्निरग्नेर्महाव्याहृति होमानन्तरग्रहणविधानादित्युभयांगस्यात्र सद्भावात्। पुत्रेष्टिस्तु अथ पुत्रवते पुरोडाशमष्टाकपालम्, इन्द्राय पुत्रिणे पुरोडाशमेकादशकपालं प्रजाकामोऽग्निरे-वास्मै प्रजां प्रजनयति वृद्धामिन्द्रः प्रयच्छति इति प्रसिद्धा। आदौत्ययं (आदौत्वयं) यागः। गृहीत्वा पञ्चवर्षीयं पुत्रेष्टिं प्रथमश्चरेतदित्युक्तेः (श्चरेदित्युक्तेः) ग्रहणसङ्कल्पात् पूर्वम्। आह वशिष्ठो[57]ऽपि--''शुक्रशेणित सम्भवः पुत्रो मातापितृनिमित्तकस्तस्य दान विक्रयत्यागेषु मातापितरौ प्रभवतः।'' नैकं पुत्रं दद्यात् प्रतिगृह्णीयाद्वा। स हि सन्तानाय--

दीप्तिः

(22a) गृहीत्वा पञ्चवर्षीयं पुत्रेष्टिं प्रथमश्चरेदित्यादि कालिकापुराणवचनं वहुषु दत्तकविषयग्रन्थेषु दत्तकचन्द्रिकादत्तकनिर्णय-दत्तकदर्पण-दत्तककौमुदी प्रभृतिषु पुत्रेष्ट्याः आवश्यकत्वमवतारयति। दत्तकतिलकवद् दत्तकमीमांसाग्रंथेऽपि अस्य विचारः। आश्वलायनश्रौतसूत्रे (II. 10) पुत्रकामेष्ट्याम् अग्निः पुत्री-इत्यादिना तद्विमर्शः। संस्कार-कौस्तुभेऽपि आलोचितेयम्। दत्तकतिलकवद्दत्तकमीमांसायामपि— अग्नये पुत्रवते पुरोडाशमष्टाकपालं निर्वपेत्। इन्द्राय पुत्रिणे पुरोडाशमेकादशकपालं प्रजाकामः। अग्निरेवास्मै प्रजां प्रजनयति वृद्धामिन्द्रः प्रयच्छतीति वाक्ये प्रजाफलकत्वमिष्टे श्रूयते। तद्यत्रानुत्पन्ना प्रजा तत्र तदुत्पत्तिरेव भाव्या। यत्र तूत्पन्ना परिगृह्यते तत्रोत्पत्तेरेवाभावात् तस्याः प्रजात्वमेव भाव्यमिति कल्प्यते प्रकृतविध्यन्यथानुपपत्तेः।।-- दत्तकमीमांसा (p. 60)। इयं पुत्रेष्टिः पुनः साग्नेरेव। उक्तं च। इष्टिस्तु चरुणा प्रोक्ता, यागस्तु पशुनास्मृतः। एतच्छेषं क्रतुः प्रोक्तो होमान्यत् पूजनं स्मृतम्। पुत्रेष्ट्याः तादृशेन द्रव्येण सम्पादनम्। शौनकवशिष्ठादीनां ग्रहणं तेषु तेषु ग्रन्हेषु तत्तद्वेदशाखिनां कृते। तैत्तिरीयास्तु बौधायनोक्तेन विधानेन पुत्रग्रहणं सम्पादयन्ति। उक्तशास्त्रोक्तविधानं विना गृहीतः पुत्रो न सिद्धो भवति। स केवलं ग्रासाच्छादनभागी विवाहयोग्यश्च भवतीति दत्तकचन्द्रिका। वशिष्टवचनेन मातापित्रोरुभयोरेव पुत्रजननव्यापारे तुल्ययोगात् द्वावेव दानविक्रयत्यागेषु अधिकारयुतौ। नैकश्च पुत्रोदातव्यः।

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57. वशिष्ठधर्मसूत्र दत्तकमीमांसा (p. 71)

(22a) Thus spoke Baudhāyana (in his *Gṛhyasūtra*, Gṛhyaśeṣa portion, 2nd Praśna, sixth chapter) : This is generally for those who maintain the Vedic fire (by daily oblations). The portion "*atha* etc." is to be construed as referring to adoption made by persons who donot maintain Vedic fire (by offering oblations daily), for, in the case of Sāgni (ie. who maintains Vedic fire), it will be said presently that such persons can adopt a son after performing the Putreṣṭi sacrifice, and in the case of a Niragni (ie. who does not maintain Vedic fire)—adoption is sanctioned after performance of a Mahā-vyāhṛti homa, the description of the procedure (narrated before in fol. 21.b) being applicable as parts of both (the procedures for Sāgni Niragni) (mentioned). Now, Putreṣṭi is the ritual where aṣṭakapāla puroḍāśa (sacrificial cake cooked in eight *kapālas* or earthen potsherds) in offered to Agni Putravat, *ekādaśakapāla purodāśa* to Indra Putrim by a man seeking progeny. For him Agni procures progeny and Indra delivers that (when) developed—This is well-known. This ritual comes first, for there is the statement—"Taking a five year old boy (for adoption) one should first of all perform the Putreṣṭi"—and because of this, right at the beginning the ritual is to be done.

Vaśiṣṭha also said (thus) : "A son is born of the sperm and generative fluid from both the parents. Both of them are eligible in the act of gift, sale or desertion of that boy"—(and) the only son should not be given in adoption nor should it be accepted as such. Because he is for the continuity (of the family) of the forefathers.

(22a) বৌধায়ন এইরূপ বলেন (বৌধায়ন গৃহ্য কোষ II.6)—ইহা সাধারণতঃ সাগ্নিক ব্রাহ্মণের করণীয়। (বৌধায়ন বচনস্থ) অথ প্রভৃতি শব্দের দ্বারা নিরগ্নিক কর্তৃক দত্তকপুত্র গ্রহণের ব্যাপারে বলা হইয়াছে এইরূপ বুঝিতে হইবে। সাগ্নিক ব্রাহ্মণের ক্ষেত্রে পুত্রেষ্টি যাগ সমাপনের পর দত্তক গ্রহণ হয় এইরূপ অগ্রে বলা হইবে বলিয়া (এবং) নিরগ্নিপুরুষদ্বারা মহাব্যাহৃতি হোমের পরই দত্তক গ্রহণের বিধান থাকায় উভয় অঙ্গেতেই এ স্থলে সম্ভব হওয়ায় (এখানে fol. 21.bতে বলা হইল)। পুত্রেষ্টি এইরূপ—পুত্রবৎ অগ্নির উদ্দেশ্যে অষ্টাকপাল পক্কপুরোডাশ, পুত্রী ইন্দ্রকে একাদশ কপালপক্ক পুরোডাশ হোমে অপর্ণ করিবে—সন্তান কামনায়। অগ্নিই তাহার সন্তান উৎপাদন করান (করেন), ইন্দ্র বৃদ্ধিপ্রাপ্ত প্রজা দান করেন ইত্যাদি (শাস্ত্র) প্রসিদ্ধ।

পূর্বে এই যাগ করিতে হয়। (তাহার পর) দত্তক গ্রহণ কালে—পঞ্চবর্ষীয় বালককে লইয়া (অর্থাৎ দত্তকগ্রহণের কালে) প্রথমে পুত্রেষ্টি যাগ করিবে এই বচন বশতঃ গ্রহণসংকল্পের পূর্বেই এই যাগ বিধেয়।

বশিষ্ঠও বলিয়াছেন—শুক্র ও শোণিতের হইতে সম্ভূতপুত্র মাতা ও পিতা উভয়ের সহযোগেই জাত—তাহার দান, বিক্রয় ও ত্যাগ উভয়েই করিতে পারেন—ইত্যাদি। একমাত্র পুত্রকে দান করিবে না অথবা গ্রহণ(ও) করিবে না। যেহেতু সে পূর্বপুরুষদের বংশের ধারক বা রক্ষক।

42. मूलम्

(22B) पूर्व्वेषाम्। न स्त्री दद्यात् प्रतिगृह्णीयाद्वान्यत्रानु-ज्ञानाद्भर्त्तुरिति। शुक्रशोणितयोर विनाभावेन पुत्रस्य जननात् तस्य दानविक्रयत्यागेषु मातापित्रोर्यथेष्टता (।) अत्र माता-पितराविति द्वन्द्वनिर्द्देशात् द्वयोरेव जनकत्वाविशेषात् दानविक्रयादौ स्वातन्त्रमिति प्रतीयते। किञ्च तत्रापि जीवति पत्यौ स्त्रियाः स्वातन्त्रेण दानविक्रये नाधिकारः। तथाहि ''पिता रक्षति कौमारे भर्त्ता रक्षति यौवने। पुत्रास्तु स्थविरे भावे[58] न स्त्री स्वातन्त्र्यमर्हती''ति (मनु 9.3)। ''अस्वतन्त्राः स्त्रियः सर्व्वाः पुत्रा दासाः परिग्रहाः'' इत्यभिधाय वाल आषोड़शाद्वर्षात् पौगण्डश्चापि कथ्यते। परतो व्यवहारज्ञः स्वतन्त्रः पितरावृते। जीवतोर्न स्वतन्त्रः स्याज्जरयापि समन्वितः। तयोरपि पिता श्रेयान् वीज प्राधान्यदर्शनात्। अभावे वीजिनो माता तदभावे तु पूर्व्वजः इत्यादि वृहस्पत्युक्तेः।[59] (अतएव शुक्रशोणित)--

दीप्तिः

(22b) न स्त्री स्वेच्छया सूतं दद्यात् प्रतिगृह्णीयाद्वा। तथा च मनुक्वनम् न स्त्री स्वातन्त्र्यमर्हति इति। मूले वृहस्पतिनाम्ना उद्धृतं वचनं तु नारदस्मृतितो गृहीतम्।

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58. V.L. रक्षन्ति स्थविरे पुत्राः

59. वस्तुतस्तु वचनानि इमानि नारदस्मृतेः ऋणादान प्रकरणात् (v.v. 34ab, 35 ed, 36-37) उद्धृतानि। बौधायन धर्मसूत्रस्य गोविन्दस्वामिकृत विवरण टीकायामपिनारदनाम अकृत्वेव ''गर्भस्थैः सदृशो ज्ञेय आऽष्टमाद्वत्सराच्छिशुः। वाल आषोड़शादज्ञेयः पौगण्डश्चापि शब्द्यते–इति नारदीयम् ऋणादान प्रकरणस्थ (135) वचनम् उद्धृतम्। कोष्ठकान्तर्गतं (अतएव शुक्रशोणित) पुनरुक्तं लिपिकर प्रमादात्, अतस्तत्त्यक्तम् ।

अत्र सामान्येन इयं व्यवस्था। पुत्रग्रहणे विधवायाः नाधिकारः। पत्युरनुमतौ तन्मरणात् परमपि दत्तकादिग्रहणम् भवति। जीवति भर्त्तरि तदनुमतौ, प्रोषिते उपरते वा तस्मिन् विनापि तदनुमतिं स्त्रियः पुत्रं ग्रहीतुं प्रभवन्ति। अत्र दत्तककौमुदीवचनम्–"अत्रेदं बोध्यं मृते भर्त्तरि तदननुमतापि तदीय पत्नी पुत्रग्रहणादिकारिणीति व्यवस्था दत्तकचन्द्रिका दत्तकदीधिति दत्तकमीमांसा वीरमित्रोदयग्रंथकृतां सम्मता। तन्मध्ये कस्यचिल्लिखनस्वरसलभ्या । एतद्विषये दीधितिकारेण बन्ध्या वा मृतपुत्रा वा पुत्रार्थं समुपोष्य चेति शौनकीय विशेषवचनान्तरमित्यपि लिखितमित्यलम् (दत्तककौमुदी–दत्तकशिरोमणि (पृ: 244-45 पृष्ठायाम्) स्थिता। अत्र दत्तकचन्द्रिकायाम्–स्त्रियास्तु जीवति भर्त्तरि तदनुमतौ प्रोषिते मृते वा तदनुज्ञां विनापि । यत्तु वशिष्ठोक्तं न स्त्री दद्यात् प्रतिगृह्णीयाद्वा अन्यत्रानुज्ञानाद्भर्त्तुरिति–तत्र अनुमतिश्च अप्रतिषेधेऽपि भवति। अप्रतिषिद्धं परमतमनुमतं भवतीति न्यायात्- (दत्तकचन्द्रिका (सं भरत शिरोमणि) पृः 9)। तत्र दत्तकमीमांसा (सं भरत शिरोमणिः) 52पृष्ठा द्रष्टव्या । शूद्रकर्त्तृक पुत्रग्रहणे ब्राह्मणेन होमः कर्त्तव्यः इत्यादि। अत्र स्मर्त्तव्यं यद् आपस्तम्बधर्मसूत्रमते अपत्यस्यं दानं क्रयोविक्रयो वा नाभिहितम्। वौधायनधर्मसूत्रे च औरसेतरः पुत्रो भवितुं नार्हति इत्युक्त्वापि औरसेतरपुत्राणां परिगणनं कृतं तदर्थंदायभागश्च विहित इत्यादि विमर्शार्थं द्रष्टव्यो ग्रंथस्यास्य उपोद्घातः ।

(22b) Without (previous) permission of husband the wife should neither give away nor accept (a son in adoption). Since the birth of the son is possible from the insaparable semen and generative fluid, both his father and mother are sufficiently eligible in the act of giving him in adoption, selling him or deserting him. Here the use of the Dvandva compound in mātāpitarau—the procreativeness of both being told without discrimination, both have independence in the matter of gift or sale (of such offspring).

But even then, while the husband is living, the wife independently has no right to gift or sale etc. Thus Manu (9.3) has said—"the father protects the girl in her tender age, the husband in youth and the sons in old age—women does not deserve independence." Bṛhaspati also has (in fact the words are from Nārada smṛti, *ṛṇādāna* section, VV. 34 ab, 35 cd, 36-37) starting with "all women are under other's control, so also they are minor boys, slaves and the retinue"—(concluded with) "up to the sixteenth year one is a *bāla*

(minor) and is also called *pauganḍa*" and beyond that age they are eligible to handle litigation and are independent except when the parents are living and present. While they (ie. the parents) are alive, a son although old is not independent. Even, of the parents, father is more effective (important)—because it is generally accepted that (of the natural generative fluid and paternal semen) it is the paternal seed that is more important. In the absence of such person (who fertilses) the mother holds the important position and in her absence the elder brother.

Therefore it is told that the offspring comes (from the coagulation of semen and generative fluid) etc.

(22b) স্ত্রীলোকে স্বামীর অনুমতি ভিন্ন পুত্র দান বা গ্রহণ করিবে না। (পিতার) শুক্র ও (মাতার) শোণিতের মিশ্রণ হইতেই পুত্রের (সন্তানের) জন্ম হয় বলিয়া তাহার দান, বিক্রয় ও ত্যাগে মাতা ও পিতা উভয়েরই যথেষ্ট অধিকার। এখানে মাতাপিতরৌ এই পদে দ্বন্দ্ব সমাসের দ্বারা কাহারোই পুত্র জননবিষয়ে বিশেষ কিছু না থাকায় (অর্থাৎ একজনের অধিক বৈশিষ্ট্য, অন্যজনের কম এইরূপ না থাকায়) দান বিক্রয়াদিতে তাহাদের অন্যনিরপেক্ষত্ব স্বীকার্য। কিন্তু সেক্ষেত্রে স্বামী জীবিত থাকিতে স্ত্রীলোকের পুত্রদান ও বিক্রয়ব্যাপারে স্বতন্ত্রভাবে কোনও অধিকার নাই। (মনুও তাই 9.3 বলিয়াছেন) কুমারী অবস্থায় কন্যাকে পিতা রক্ষণাবেক্ষণ করে, যৌবনে স্বামী স্ত্রীকে রক্ষা করে, বার্ধক্যে পুত্রেরা (বৃদ্ধা মাতার) রক্ষণাবেক্ষণ করে। (এইরূপে সকল অবস্থায় স্ত্রীলোক অপরের রক্ষণে থাকলেও) তাহাদের স্বাধীনজীবনে অধিকার নাই। "সকল স্ত্রীলোক, পুত্র, দাস ও পরিজনেরা অস্বতন্ত্র"—এইরূপে উপক্রম করিয়া—"ষোড়শবর্ষ পর্যন্ত বালক অবস্থা (তাহাকে) পৌগণ্ড বলা হয়। তাহার পর (বয়োবৃদ্ধির সহিত) সে ব্যবহারতত্ত্ব জানিবার অধিকারী হয়—কিন্তু পিতা মাতা জীবিত থাকিতে বৃদ্ধ হইয়াও পুত্র স্বতন্ত্র হইতে পারে না। তাহাদের অর্থাৎ জনক জননীর মধ্যেও পিতার বীজের প্রাধান্য দৃষ্ট হওয়ায় পিতারই প্রাধান্য (বীজী পিতার অভাবে মাতা প্রধান, তাঁহার অভাবে অগ্রজ ভ্রাতা প্রধান" ইত্যাদি বৃহস্পতি বচনেও (প্রকৃতপক্ষে নারদ বচনেও) (উপসংহার) দৃষ্ট হয়—তাই বলা হইয়াছে শুক্রশোণিত সম্ভব পুত্র ইত্যাদি।

43. मूलम्

(23A) (अथेत्यादि। पुत्रेष्टिं प्रथमश्चरेत् इत्युक्तेः। प्रथममिति सङ्कल्पात् प्राक्)* साग्नेः पुत्रेष्टिपूर्व्वकग्रहणमाह श्रुतिः। ''स्वाराज्यकामोऽश्वमेधेन यजेत राजा राजपुरोहितो वा। अथ साम्राज्यकामः साम्राज्येष्टिमिहवाव पुत्रर्द्धिकामः पुत्रेष्टिं चरन्नावसथ्यं जुहोती''ति। पुत्र एव ऋद्धिः सम्पत्। आवसथ्यश्चतुर्थोऽग्निः साग्नीणां काम्यसाधक इति छान्दोग्य–

(23B)

44. मूलम्

भाष्यम्। तथाहि दाक्षिणात्यगार्हपत्याहवनीयासस्त्रयो दर्शादि नित्यकर्म्मादिसाधकाः। काम्यसाधकस्त्वावसथ्य एवेति साग्नेरेव पुत्रेष्टयधिकारात्तदङ्गकग्रहणऽपि साग्नेरधिकार इति सिद्धम्। निरग्नेस्त्वाह वशिष्ठः। शुक्रशोणितसम्भवः पुत्रो मातापितृनिमित्तकस्तस्य दानविक्रयत्यागेषु मातापितरौ प्रभवतः। नैकं पुत्रं दद्यात् प्रतिगृह्णीयाद्वा। स हि सन्तानाय पुर्व्वेषाम् । न स्त्री दद्यात् प्रतिगृह्णीयाद्वान्यत्रानुज्ञानाद्भर्त्तुः। पुत्रं प्रतिग्रहीष्यन् बन्धूनाहूय राजनि च निवेद्य निवेश्चनस्यमध्ये महाव्याहृतिभिर्हत्वा (अदुरबान्धवं बन्धुसन्निकृष्टमेव) प्रतिगृह्णीयात इति व्याख्येयमग्रे। अत्र महाव्याहृति होमोत्तरमेव ग्रहणमभिहितं न तु पुत्रेस्याद्युत्तरमिति।

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* 22 (a+b), 23 (a+b), 24a पृष्टासु प्रायेण एकस्यैव विषयस्य असकृदा वृत्तिर्दृश्यते। शुक्रशोणितसम्भवः पुत्र इत्यादि वशिष्ठोक्तिमारभ्य-साग्निक कर्त्तृक ग्रहणम् इत्यादि 22(a) पृष्ठायाम्, 23(b) पृष्ठायाम्, 24(a) पृष्ठायाम् अपिलिखितम्। एवमन्येऽपि अतो लिपिकर प्रमादरुपाणि तानित्यक्तानि–। तथापि सन्देह निरसनार्थं पादठीकायां–अथेत्यादि। निरग्निकर्त्तृकग्रहणे, अथैनमित्यादि साग्निकर्त्तृकग्रहणे वोद्धथम्। साग्नेः पुत्रेष्ठियागानन्तरं निरग्नेर्महाव्या-हृति होमानन्तरं ग्रहण विधानस्योभयस्यात्र सम्भवात्। पुत्रेष्टिस्तु अत्र (अथ) पुत्रवते पुरोडाशमष्टाकपालम् इन्द्राय पुत्रिणे पुरोडाशमेकादशकपालं प्रजाकामोऽग्निरेवास्मै प्रजा जनयितु (जनयति) वृद्धाम् इन्द्रः प्रयच्छतीति प्रसिद्धः। आदावेष यागः। गृहीत्वा पञ्चवर्षीयं पुत्रेष्टिं प्रथमश्चरेदित्युक्तेः। प्रथममिति सङ्कल्पात् प्राक् (इति 23a पृष्ठायाम्) अत्र च वशिष्ठस्मृतौ शुक्रशोणितयोरविनाभावेन पुत्रजननात्तस्य दानविक्र्यादौ मातापित्रोऽवाधिकारः। पितराविति द्वन्द्व निर्देशात् द्वयोरेव जनकत्वाविशेषाच्च। तत्रापि जीवति पत्यौ पत्त्या न स्वातन्त्र्येणाधिकार इत्यादि वक्ष्यते (23b पृष्ठायाम्) अत्र च वक्ष्यमाण वशिष्ठस्मृतौ इत्यारभ्य अव्यवहितपूर्वस्य अंशस्य पुनरूल्लेखः..... न स्वातन्त्र्येण दानाधिकार इति वक्ष्यते-इति पर्यन्तस्य (24a पृष्ठायाम्) अतो महान् प्रमादः समजनि लिपिकरस्य इति वुद्ध्या पुनरुक्तांशस्य वर्जनम् एव समुचितम्॥

दीप्तिः

23(a+b) निरग्निकर्त्तृकग्रहणं महाव्याहृति होमानन्तरमेव। तदेव स्पष्टयति। एकमात्रस्य पुत्रस्य विषये-नैकं पुत्रं दद्यात् प्रतिगृह्णीयाद्वा। अत्र भवदेव मते यस्य एक एव पुत्रः तं नापरो गृह्णीयात्—न वा तं दद्यात्। एवमन्येऽपिदत्तकमीमांसाकारादयः। तादृशं गृह्णातिचेत् पुत्रत्वं सुतरां सिध्यति—किन्तु निषेधोल्लङ्घनजन्यः प्रत्यवायोऽपि आसज्यते दातुरिति स्मार्त्तसमयः।

23(a+b) [*atha* etc. This is in connection with adoption by one called Sāgnika] from the statement—putreṣṭi is to be done first, first means before making the Saṅkalpavākya (of the adoption ceremony). Vedic texts (thus) sanction the adoption by one Sāgnika with putreṣṭi ritual done beforehand:

"While desiring his own kingdom the king will perform Aśvamedha or (cause it to be done by) the priest of the king. Then desiring an empire he will perform a Sāmrājyeṣṭi and desiring prosperity of having son will perform putreṣṭi (where) at the end he will offer oblation to the (sacred) Āvasathya fire. The word putrardhi (the above passage is analysed as putra eva ṛddhi ie. prosperity in the form of son. Āvasathya is the fourth sacrificial fire (place) where the Sāgnikas offer oblation while doing kāmya (ie. desired works, not obligatory works) (and) this has been noted in the *Chāndoyabhāṣya.* (23a)

Because Daksīṇa, Gārhapatya and Āhavanīya are (the three sacrifical fires which are) instrumental to perform of compulsory/obligatory rituals like Darśa, Parṇamāsa etc. and therefore it is Āvasathya which is instrumental to the performance of desired rituals for Sāgnikas and since the Sāgnikas are entitled to the performance of putreṣṭi—they are entitled to the (process of) adoption which is a part of that and that is thereby proved.

In the case of Niragnika, Vaśiṣṭha has said : The son is procreated by both the mother and the father conjointly as he comes out of the inseparable mixture of semen and the generative fluid, in the matter of gift or sale of desertion of him both are eligible. One should not take in adoption the only son nor should the only son be given in adoption

because he is for the continuity of the family of the forefathers. Without previous permission from the husband the wife should neither give nor receive (a son in adoption). While preparing for adoption a man should invite (all) cognates, make a submission to the king (in his absence to the village landlord) inside the house perform the *mahāvyāhṛti homa* (and) adopt (a boy). This is to be explained subsequently. Here adoption is prescribed after the *mahāvyāhṛti homa* only and not after the putreṣṭi yāga. (23b.)

23(a+b) অথ ইত্যাদি। প্রথমে পুত্রেষ্টি করিবে। প্রথমে অর্থাৎ (দত্তক গ্রহণের) সংকল্পের পূর্বে। সাগ্নিক যে পুত্রেষ্টি করিয়া দত্তক গ্রহণ করিবে সে বিষয়ে শ্রুতিবাক্য যখন নিজ রাজ্যের আধিপত্য কামনা করে তখন রাজা নিজে অশ্বমেধ যজ্ঞ করিবেন অথবা রাজপুরোহিতের দ্বারা তাহা করাইবেন। তাহার পর সাম্রাজ্য কামনায় সাম্রাজ্যেষ্টি করিবেন, তাহার পর ইহলোকে পুত্ররূপ সম্পদ কামনায় পুত্রেষ্টির অনুষ্ঠান করিয়া আবসথ্য অগ্নিতে হোম করিবেন। পুত্রই ঋদ্ধি বা সম্পদ্ পুত্রর্দ্ধি। ছান্দোগ্য ভাষ্যে আছে সাগ্নিকদের কাম্যকর্ম নিষ্পাদক অগ্নি হইল আবসথ্য।

দক্ষিণ, আহবণীয় ও গার্হপত্য এই তিনটি অগ্নি—দর্শপূর্ণমাসাদি নিত্য-কর্ম সাধক অগ্নি। কাম্যকর্ম সাধক অগ্নি হইল আবসথ্য—। সাগ্নিকেরই পুত্রেষ্টিতে অধিকার থাকায়—তাহার অঙ্গরূপ দত্তকগ্রহণেও সাগ্নিকেরই অধিকার ইহা সিদ্ধ হইল। নিরগ্নি বিষয়ে বশিষ্ঠ বলেন—শুক্রশোণিত সঞ্জাত পুত্র পিতামাতার মিলন সম্ভূত বলিয়া উভয় নিমিত্তক। তাহার দান, বিক্রয় ও ত্যাগে মাতা ও পিতা উভয়েই অধিকারী। একমাত্র পুত্রকে দান করিবে না গ্রহণও করিবে না কারণ সে পূর্বপুরুষের বংশধারার রক্ষক। স্ত্রীলোকে স্বামীর অনুমতি ভিন্ন পুত্র দান বা গ্রহণ করিবে না।

দত্তক পুত্র গ্রহণ করার সময়ে সপিণ্ড আত্মীয়দের আহ্বান করিয়া রাজাকে (অভাবে গ্রামের ভূস্বামীকে) জানাইয়া, গৃহের মধ্যে মহাব্যাহৃতি হোমগুলির অনুষ্ঠান করিয়া গ্রহণ করিবে—ইত্যাদি অগ্রে ব্যাখ্যাত হইবে। এখানে মহাব্যাহৃতি হোমের পরই পুত্র গ্রহণের কথা বলা হইয়াছে পুত্রেষ্টি প্রভৃতির পর নয়।

45. मूलम्

(24A) गोत्रापहारस्तु चुडादि संस्कारेषु वृद्धिश्राद्धे स्वगोत्रोल्लेखेन भवति। तदाह दानधर्मे तथा दत्त (क) कृतौ पुत्रावित्याद्यनन्तरं युधिष्ठिरप्रश्ने

भीष्मबाक्यान्[60]। माता-पितृभ्यां यस्त्यक्तः पथि ततं यः प्रकल्पयेत्। न चास्य मातापितरौ ज्ञायेतां स हि कृत्रिमः।। यो वर्णः पोषयेत्तन्तु सवर्णस्तस्य जायते।। आत्मबत्तस्य कुर्व्वीत संस्कारं स्वामिवत्तया।। तथा संस्कृतस्य तु दत्तस्य वर्णगोत्रं भवत्युत। अथ देया तु कन्यास्या(त्त)द्वर्णस्य युधिष्ठिर।। इति। तथा उपपन्नो गुणैः सर्ब्बैः पुत्रो यस्यास्ति दत्रिमः।

दीप्तिः

(24a) ग्रहणात् परक्षणे एव ग्रहीतुः पुत्रपदं तद् गोत्रञ्च लभते दत्तकः। तेन ग्रहणात् प्राक् पुत्रजनकेन ये ये संस्काराः सम्पादिताः न ते ग्रहीत्रा करणीयाः, शिष्टा एव सम्पादनीयाः। संस्काराणां शरीरशुद्धिजनकत्वात् जनकेन पूर्वं ये संस्कारा न विहिता ग्रहणादूर्द्धं ग्रहीत्रा ते सम्पादनीयाः। सगोत्रादेव पुत्रो गृहीतश्चेत् तत्रापि परिग्रहीतृजन्य कर्मादिकं दत्तकस्य। अर्थात् परिग्रहीतुरेव स पिण्डं दद्यात् न तु जनकस्य। किञ्च परिग्रहीतुः वेदोक्तकर्मादिकम् अपि स कुर्यात्। उदाहरणवशात् यदि सामवेदिनः पुत्रो यजुर्वेदिना गृह्यते तत्र दत्तको यजुर्वेदोक्तं कर्म एव समाचरेत्, न सामवेदोक्तम्। चूडाकरणवृद्धि-श्राद्धादिकर्मषु गोत्रोल्लेखस्य प्रयोजनवशात् तत्र दत्तकस्य गोत्रं ग्रहीतुः गोत्रेणैव व्यवस्थितम्।

अधुना महाभारतीयानुशासनपर्वणः पुत्राणां स्वरूपनिरूपणम् ।।

(24a) [The portion from "*atra ca vakṣyamāṇa vaśiṣṭha smṛtan.....vakṣyate*" is repeated although written in fol. 23b.—through scribal error]

The change of the Gotra name is made by referring to the (newly acquired) Gotra in (the course of the Vṛddhi-śrāddha included in the sacramental works like) cūḍākaraṇa etc. In the dānadharma section (of the anuśāsana parvan of the *Mahābhārata*) in the section on principle of adoption—in reply to Yudhiṣṭhira's question the words of Bhīṣma (are): after uttering the word '*putrau*' (two sons)—

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60. महाभारते XIII (अनुशासनपर्वणि) 49-20; 21 ed, 25ab V.L. ..... सन्त्यक्तं पथि यं तु प्रकल्पयेत्। .... ज्ञायेते स हि .... ॥ २० ॥ यो वर्णः पोषयेद्यन्तु ...। सवर्णस्तं च पोषेत सवर्णस्तस्य जायते ॥ २॥ अथ देया तु कन्या स्यात् तद्वर्णेन युधिष्ठिर। ॥ 25ab॥

"He who is deserted by mother and father and picked up from the road by some one and whose parents cannot be located—is (known as) a *kṛtrima* son. The caste of the person who rears him becomes his caste (also). The (adoptive person) treating him as if his own, as if his master, should perform (necessary) sacraments. The caste and gotra (of the performer) accrue to the boy thus refined by sacraments (ie. baptized so to say) and adopted. And then a bride also is to be procured for him befitting his caste—Oh! Yudhiṣṭhira". And the adopted son who possesses all the qualities of a son shall

(24a) বক্ষ্যমাণ বশিষ্ঠ স্মৃতৌ.......বক্ষ্যতে এই অংশটি লিপিকর প্রমাদবশত: পুনর্লিখিত ব (যে বংশে দত্তকের জন্ম সেই বংশের) গোত্রনামের অপসারণ চূড়াকরণাদি সংস্কার মধ্যে যখন বৃদ্ধি শ্রাদ্ধ করা হয় তাহাতে নিজ গোত্রের (অর্থাৎ দত্তকগ্রাহকের গোত্রের) উল্লেখ পূর্বক করা হয়। তাই মহাভারতের (অনুশাসন পর্বস্থ) দানধর্ম পর্বাধ্যায়ে তথা দত্তক করণ পর্বাধ্যায়ে 'পুত্রৌ' ইত্যাদির পর যুধিষ্ঠিরের প্রশ্নে ভীষ্মের বাক্য (উত্তর)—মাতা ও পিতার দ্বারা পরিত্যক্ত বালককে পথমধ্যে যে গ্রহণ করিবে এবং যে বালকের মাতা পিতাকে জানা যাইবে না—তাদৃশ পুত্র কৃত্রিমপুত্র। যে বর্ণের লোক তাহার ভরণ পোষণ করিবে কৃত্রিমপুত্র তাহার সমান বর্ণ হইবে। নিজ বর্ণানুযায়ী তাহার (চূড়াকরণ-উপনয়নাদি) সংস্কার করিবে এবং প্রভুর মত সংস্কার করিবে। দত্তক পুত্রেরও সেইভাবে সংস্কার করিয়া তাহার (ব্রাহ্মণাদি) বর্ণ ও গোত্র নির্ধারিত হয়। হে যুধিষ্ঠির, তাহাকে সেই বর্ণের কন্যা সম্প্রদান করা উচিত।

যে দত্তক পুত্র সকল প্রকার পুত্রোচিত গুণযুক্ত সে অন্য গোত্রজ হইলেও পিতার ধনের সমান ভাগ পাইবেন।।

46. মূলম্

(24B) स हरेत् पैतृकमृकृथं समं प्राप्तोऽन्यगोत्रजः। तथा--अन्यशाखोद्भवो दत्तः पुत्रश्चैवोपनायितः स्वगोत्रेष्टि विधानेन स भवेच्च स्वशाखाभाक् इति। भिन्नगोत्राः पृथक्पिण्डाः पृथग्वंशकराः स्मृता इत्यादि वचनैः संस्कारानन्तरमेव गोत्रापहारः इत्युक्तं भवति। अतएव चूडाद्या यदि संस्कारा निजगोत्रेण वै कृताः। दत्ताद्यास्तनयास्ते स्युरन्यथा दास उच्यते इति। दत्ताद्याश्चैव तनया

निजगोत्रण संस्कृताः। आयान्ति पुत्रतां सम्यगन्यवीजसमुद्भवा इति। पितुर्गोत्रेण यः पुत्रः संस्कृतः पृथिवीपते। आचूड़ान्तं न पुत्रः स पुत्रतां याति चान्यतः [कालिकापुराणम्, 88, 39-40]। अन्यतो ग्रहीतृगोत्रात्। शुक्रशोणितयोः कारणतां दर्शयिष्यामः। शुक्रशोणिते ह स्त्रीपुंसयोर्धातुविशेषे। ते एव निमित्तं (? निमित्ते) उत्पत्ति हेतु यस्यापत्यस्य पुत्रेत्युपलक्षणात् (पुत्र इति उपलक्षणात्)। अत्र जननकर्तृत्वा--

दीप्तिः

(24b) गोत्रपरिवर्त्तनं भवति दत्तकविधौ समाप्ते सति । अत्रेदं बोध्यम्। मृते भर्त्तरि तदनुमत्या तदीया पत्नी दत्तकग्रहणाधिकारिणी, सा च शास्त्रीयविधिं परिपाल्यैव गृह्णाति। अथ होमाभावे गृहीतपुत्रस्य दत्तकत्वं सिध्यति न वेति सन्देहे विवादभङ्गार्णवकारेण वहुविचार्य उपनीतं यद् दत्तकव्यापारे उपक्रमे महाव्याहृति होमोऽतदसिद्धावपि पुत्रत्वसिद्धिरिति। उपसंहारे महाव्याहृतिहोमाभावे पुत्रत्वाभावस्य केनापि अप्रतिपादनात् महाव्याहृतिहोमं विनापि केवलदानप्रतिग्रहाभ्यां पुत्रत्वसिद्धि र्निष्प्रत्युहमेव। किन्तु होमाभावे पुत्रस्य प्रयतत्वविशेषो न जायते यथा मन्त्रपाठं विनापि गर्भाधानेन पुत्रोत्पत्तिर्भवत्येव, मन्त्रपाठे तु पुत्रस्य प्राप्तमेव भवति एवमेनः समं यातीति वचनात्-इति दत्तककौमुदीवचनम् (दत्तक शिरोमणि धृतम् तत्रैव 44-45 पृष्ठयोः)। इयं पुनराधुनिकानां व्यवस्था। प्राचीनास्तु संस्काराद्यनन्तरमेव गोत्र परिवर्त्तनम् इच्छन्ति भिन्नगोत्राः पृथक् पिण्डाः इत्यादि वचनात् । ऊनपञ्चवर्षीयमेव बालं गृह्णाति दत्तकरूपेण। तेष्वपि अकृतजातकर्मादिः पुत्रः मुख्यः। अकृतचुडापेक्षया यवीयान् कृतचुडपुत्रो गृहीतश्चेत् असौ विनापि समयं द्वयोरपि दातृग्रहीत्रोः द्वयमुष्यायणपुत्रो भवति। जनकेन यस्य जातकर्मादि चुडाकरणान्ताः संस्काराः विहिताः, स च यथाविधानं गृहीतः तदापि स ग्रहीतुः दासो भवति न च पुत्रः। अधुना शुक्रशोणितयोः कारणतां दर्शयितुमुप न् क्रमते। स्त्रीपुंसोरिति। स्त्री च पुमान च इति द्वन्द्वसमासे अचतुरविचतुरसुचतुरस्त्रीपुंस धेन्वनडुहर्कसामवाङ्मनसाक्षिभ्रू-वदारगवोर्वष्ठीवपदष्ठीवनक्तन्दिवरात्रिन्दिवाहर्दिवसरंजसनिः श्रेयसपुरुषायुष द्व्यायुषत्र्यायुषर्गयजुष जातोक्षमहोक्ष वृद्धेक्षोपशुनगोष्ठश्वा (पा 5.4.77 सिः कौ 945) इति सूत्रेण निपातनात् स्त्रीपुंस इति सिध्यति। तयोः स्त्रीपुंसयोरिति।

(24b) ..... receive equal share of the (adoptive) father's wealth although he is born in another gotra. Similarly, the

son born in the family of another *gotra* but adopted and initiated *(=upanāyita)* by performance of the *putreṣṭi* ritual according to the particular gotra of the adoptive father is naturalised (ie. taken) into the Gotra and Vedic branch of the adopter. The statements "belonging to separate *gotra*, offering piṇḍa to others, maintaining separate lineage....etc. enjoin that transfer of *gotra* is done only after the *(cūḍākaraṇa)* sacrament. Therefore (it is held in the Kālikāpurāṇa that) if the sacraments starting from Cūḍākaraṇa are done by referring to the gotra of the adoptive father thus and then only the son thus received becomes the adopted son *(dattaka)*, otherwise he becomes a *dāsa* (slave) (and) if the *dattaka* and other sons are received by rites wherein the gotra of the receiver is mentioned they become *(de jure)* sons although they may be born of father of separate gotra. Oh, King ! the boy, whose *cūḍākaraṇa* and other sacraments are done by mentioning the gotra of the father, does not become the son (of the adoptive father), he becomes the adopted son only when such sacraments are done by referring to the gotra of the other (ie. the adoptive father) 'anyataḥ' in this statement means from the gotra of the receiver.

We shall (now) show the causality of the semen and the generative female fluid (in the formation of the foctus) sperm and gengrative female fluid are particular elements in male and female – they are the causes of birth of the baby who is called son in an extended sense.

Here, in the matter of procreation neither (ie. neither the father nor the mother) having any special role (other than the procreative power of copulation), the dvandva compound, is used to express equal importance of the both, in the word mātāpitarau –

(24b) অনুরূপভাবে অন্যবেদ শাখানুসারী এমন গোত্রজাত দত্তকপুত্রও যদি দত্তকগ্রাহকের গোত্রোচিত ইষ্টি সম্পাদনের দ্বারা উপনয়ন প্রাপ্ত হয় তবে সেও দত্তকগ্রাহকের পুত্র ও স্বকীয়গোত্র শাখা ভুক্ত হয়।

ভিন্নগোত্রের, পৃথক্‌পিণ্ডের দানকারীরা পৃথক্ বংশধারার সৃষ্টি করে— ইত্যাদি বচনে চূড়াকরণের পরই গোত্র পরিবর্ত্তন হয় এইরূপ বিধান।

অতএব চূড়াকরণ হইতে আরম্ভ করিয়া অন্যসংস্কারগুলি গ্রহীতার গোত্রোল্লেখ

করিয়া (তদনুযায়ী) হয় তবেই গৃহীত পুত্র দত্তকপুত্র হইবে অন্যথা সে দাস মাত্র হইবে। (বলা হইয়াছে)—দত্তক প্রভৃতি পুত্রেরা যদি গ্রাহকের নিজ গোত্র উল্লেখ পূর্বক সংস্কৃত (অর্থাৎ চূড়াকরণাদি করা) হয় তখন অন্যগোত্রের পিতার বীজ সমুদ্ভূত হইলেও পুত্রত্ব লাভ করে।। হে মহারাজ যে (শিশু) জনকের গোত্রোল্লেখ পূর্বক চূড়াকরণ পর্যন্ত সংস্কারে সংস্কৃত হয় সে (গ্রাহকের) পুত্র হয় না। গ্রাহকের গোত্রের উল্লেখপূর্বক সংস্কার করা হইলেই সে পুত্র হয়। অন্যতঃ—শব্দটির অর্থ গ্রাহকের গোত্র হইতে ভিন্ন গোত্র (অর্থাৎ জনক) হইতে।

পুত্রজনন ব্যাপারে শুক্র ও শোণিতের কারণতা দেখাইব।

শুক্র ও শোণিত নরনারীর দেহ-ধাতুবিশেষ—তাহারাই নিমিত্ত অর্থাৎ উৎপত্তির কারণ যে অপত্যের। পুত্র শব্দটির অপত্যের উপলক্ষণ (অর্থাৎ পুত্র কন্যা উভয়েরই গ্রাহক) এখানে পুত্রোৎপাদন ব্যাপারে কাহারও বিশেষ বা অধিকতর কর্তৃত্ব না থাকায় মাতা পিতা উভয়েরই সমান প্রাধান্য বুঝাইবার জন্য (মাতাপিতরৌ পদে) দ্বন্দ্ব সমাস ব্যবহার করা হইয়াছে।

47. मूलम्

(25A) विशेषादुभयोः प्राधान्यख्यापनार्थो द्वन्द्वः। दद्यान्माता पिता वा यमिति, माता पिता वा दद्यातामिति मनु (9.168) याज्ञवल्क्याभ्यां (II. 130) वाकारेण तथैव द्योतनात्। एवञ्च न स्त्रीदद्यात् प्रतिगृह्णीयाद्वा इत्यत्रान्तरङ्गत्वेन प्रतिग्रहे एव नञोऽन्वयो न तु दाने। ननु साहित्ये हि द्विवचनवहूवचने द्वन्द्व समासोवेति नियमात् दानवद्ग्रहणेऽपि दम्पत्योः साहित्यं तन्त्रं न तु पृथक् इति चेत् साहित्यस्य द्वैविध्याद्वस्तु क्षतेरभावात्। नन्वेकस्य द्वन्द्ववचनस्योभयार्थकत्वे युगपद्वृत्तिद्वयविरोध इति चेदगत्या वचनवलात्त्रहदजहत्स्वार्थलक्षणया[61] गङ्गायां धोषमत् स्यौस्त इति वत् स्वीकुर्म्मः। तदेवं पत्यौ जीवति पत्न्या न पृथग्दानाधिकारः। असति तस्मिन् स्वातन्त्र्येण दानाधिकार इति विषयविभागादुभयोः सङ्कलनम्[62]। न चात्र वाधः सापेक्षत्वनिरपेक्षत्वाभ्यां।

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61. लक्षणा शक्य सम्बन्धा तात्पर्यानुपातितः- इत्यादि लक्षणालक्षणं। तस्याश्च प्राधान्येन जहत्स्वार्था अजहत्स्वार्था इति रूपद्वयम्। तदर्थं काव्यप्रकाशसाहित्यदर्पणादिग्रन्थाः द्रष्टव्याः।

62. इतः परं हस्तलिखितग्रन्थे-"एवमुक्तं रुद्रधरेण शुद्धिविवेकेऽपि" इत्यधिकः पाठः। स च प्रक्षिप्त इति मत्वा परित्यक्तः। विशेषालोचनञ्च टीकायां उत्पाद्यते च वर्त्तते।

दीप्तिः

(25a) उद्धृतवशिष्ठस्मृति वचने मातापितरौ इत्यत्र द्वन्द्वसमासः उभयपद प्राधान्यद्यो-तनार्थम्। मनु-याज्ञवल्काभ्याम् अपि मातापित्रोरुभयोर्ग्रहणं प्राधान्यख्यापनार्थम्। द्वन्द्वसमासश्च उभयपदार्थप्रधानः इति। न स्त्री दद्यात् प्रतिगृह्णीयाद्वा इत्यत्र नञः संयोगः प्रतिग्रहणेन न तु दानेन। अथ कोऽपि आक्षिपति चेत् कथं दानवत् ग्रहणेऽपि मातापित्रोः साहित्यमपेक्षितं स्यात्-तत्र लक्षणावृत्तिमवतारयति। वाच्यलक्ष्यव्यङ्ग्यभेदेन अर्थानां त्रैविध्यम्। तात्पर्यार्थास्यश्चतुर्थोऽपि स्वीकृतः। वाच्यादीनामर्थानां यथासङ्ख्यम् अभिधालक्षणाव्यञ्जनामूलत्वम्। नैयायिकाः व्यङ्ग्यार्थं न स्वीकुर्वन्ति-तन्मते अनुमाने एव तस्य अन्तर्भावः, व्यक्तिविवेकादौ महिमभट्टादिभिः स विशदीकृतः। तत्र लक्षणा या सा वृत्तिः शक्तिर्वा अभिधाव्यञ्जनावत्। सा लक्षणा अभिधेयार्थवाधिकापि अभिधेयार्थसम्वद्धा-मूलतया जहत् स्वार्थलक्षणा अथवा लक्षणलक्षणा नाम्ना, अजहत्स्वार्थ लक्षणा उपादानलक्षणानाम्ना द्विधा विभक्ता। तदुदाहरणञ्च गङ्गायां घोषः, कुन्ताः प्रविशन्ति इत्यादयः। यत्रैका भवति न तत्रापरा । किन्तु कुत्रचित् द्वयोरेव सद्भावम् अङ्गीकुर्वन्ति बुधा अगत्या। यथा गङ्गायां घोष मत्स्यौ स्तः। अत्र गङ्गापदे यदा घोषान्वयः तदा लक्षणलक्षणा, यदा मत्स्यान्वयस्तदा उपादानलक्षणा एवं एकत्रैव युगपत् नञनञ्वृत्योः व्यवहारः वचनवलादेव भवति। प्रकृतेऽपि दाने मातापित्रोः साहित्यम् अपेक्षितम् प्रतिग्रहे केवलं पितुः, मातुस्तत्र अस्वतन्त्रत्वात्। सिद्धान्तस्तु पत्यौ जीवति पन्त्या न पृथग्दानाधिकारः। असति तस्मिन् स्वातन्त्र्येण दानाधिकारः।

हस्तलिखितग्रन्थे अत्र मैथिलस्मार्त्तरुद्रधरकृतस्य शुद्धिविवेकग्रन्थस्य उल्लेखः कृतः। स च प्रामादिकः प्रक्षिप्तश्च। रुद्रधरीयशुद्धिविवेके (fol. 22b) एवं कथितम्। मातृपित्रोः (मातापित्रोः) पुत्रदानादावधिकारः। पत्यौ सति स्त्रियाः पत्यननुमत्या पुत्रदानेऽनधिकारः। पत्यनुमत्या तु पुत्रदानेऽधिकारः। पत्यभावेऽनधिकार एव। अतो लिपिकरः यदलिखत्–"एवमुक्तं रुद्रधरेणापि शुद्धिविवेकेऽपि" इति–वस्तुगत्या तद्रुद्रधरमतविपरीतमेव। इयमेका समस्या। मैथिलरुद्रधरस्य काल 1425-60 A.D. मध्ये आपतति। [तदर्थं द्रष्टव्यं मत्पुस्तकं Dharmashastra in Mithila (पृः 155)] स च मैथिलस्मार्त्तः गौडीयस्मार्त्त शूलपाणिकृतश्राद्धविवेक ग्रन्थमुद्धरति स्म। प्राचीनगौहीय स्मृतिनिबन्धकारेषु भट्टभवदेव-जीमुतवाहन-अनिरुद्धभट्ट-वल्लालसेन-हलायुध-शूलपाणि प्रभृतिषु भट्टभवदेव एव प्राचीनतमः इति धर्मशास्त्रेतिहासविदां मतम्। किञ्च रुद्रधरीयशुद्धिविवेक ग्रन्थेऽपि (fol. 35b, 36b) भट्टभवदेवस्योल्लेखो लक्षितः। अतस्तस्य पुनरुल्लेखो भवदेवीयनिबन्धे संशयमातनोति-

कालविपर्ययदोषश्चाक्षिपति। अत इयं पंक्तिः प्रक्षिप्ता इति विद्वद्भिर्मन्तव्या। अथवा अन्योऽयं प्राचीनतरो रुद्रधरः। अत्र स्मर्त्तव्यं यत् दत्तकतिलकस्य द्वितीये हस्तलिखितग्रन्थे (fol. 18b) कल्पतरुरत्नाकरयोरुल्लेखः। तस्मात् तस्य दत्तकतिलकग्रन्थस्य लेखकः भवदेवः द्वितीयः कश्चन पूर्वजनमाननामासीत् इति प्रत्नविदां मूर्धन्यः ननीगोपालमजुमदारमहाभागः प्रोक्तवान्। महामहोपाध्यायभरत-शिरोमणिमहोदयसम्पादिते दत्तकशिरोमणि ग्रन्थे तु अस्य ग्रन्थस्य सङ्कलनं कृतम् न जाने कथम्। अलं परमगुरुकल्पानां वचनेषु कटाक्षनिक्षेपेण।

(25a) Manu in his statement "whom the mother or the father gives away and Yājnavalkya in his either the father or the mother should give" have indicated the same by using the particle *vā* (= or). Thus "the wife should neither give away nor receive (any son is adoption)"—in this statement the sense of the negative particle is to be construed with acceptance (pratigraha) ie. the wife should not accept as it is more proximate and and with *dāna* (gift).

Now, in the sense of togetherness or association dual or plural number is used at the end of the Dvandva (or copulative) compound and for this rule, in the matter of receiving a son as in the matter of giving away a son, lat there be emphasis on the association of both members of the couple and not on one member only—if such objection is raised ! The reply is no, because association is of twofold nature and for that there is no loss of the essential matter.

Further—if one word in Dvandva compound indicates two senses (ie. the husband will receive, the wife will not) simultaneously—there is contradition in the function in the semantic element of the word (by which it expresses, indicates or suggests a meaning) then ! (In the face of such prima facia argument, it is said that) finding no other way one is to accept, on the strength of statements (of law givers) by jahat-ajahat-svārtha-laksaṇā (or the type of *lakṣaṇā vṛtti* admitting of the contradictory senses like *jahat svārtha* and *ajahat-svārtha* in the same expression), the above interpretation is accepted just as in the expression—the cowherd collony and fish are in the ganges (is accepted). [when one says—cowherds live in the ganges—the word ganges does not mean the stream of water traditionally dug in by Bhagiratha. The indicated

meaning is very near the waterline. So, here the original meaning of the word is disearded. When one says fishes live in the Ganga the original meaning of the word is not removed (fishes are available in some waterpool) hence it is *ajahatsvārtha*. So in the complete sentence—in one part it is *jahatsvārtha* and in another part it is *ajahatsvārtha*.

So the conclusion is that when the husband is alive, wife has no unilateral right to give away a son. In his absence, the wife can do it independently. In this way by dividing the scope of the import of the sentence it is compiled. In fact there is no obstruction here by dependence or independence (on the husband) the act of gift does not appear in separate form.

(25a) মনু প্রোক্ত "মাতা বা পিতা যাহাকে দান করেন...." ইত্যাদি যাজ্ঞবল্ক্য কথিত "মাতা বা পিতা যাহাকে দান করেন...." ইত্যাদি বাক্যে অনুরূপ প্রতিপাদিত হইয়াছে বলিয়া (এইরূপ বলা হইল)। অনুরূপভাবেও স্ত্রীলোকে দান করিবেন না বা গ্রহণ করিবেন না। এই বচনে নিকটতর বলিয়া নঞের সম্বন্ধ স্বীকারের সহিত, দানের সহিত নয়।। আচ্ছা সাহিত্য বা একত্রাবস্থান বুঝাইতে দ্বন্দ্ব সমাস বা দ্বিবচন বা বহুবচনের প্রয়োগ হয় এই নিয়মে দানের মত গ্রহণের ব্যাপারেও দম্পতীর উভয়েরই একত্রাবস্থান বা সহিতত্ব প্রধানরূপে গৃহীত হউক—পৃথক্‌ভাবে নয়। অর্থাৎ দম্পতী উভয়ে মিলিত হইয়াই দত্তকপুত্র গ্রহণ করুক—এইরূপ বলিলে উত্তর এই যে সাহিত্য দুই প্রকার হইলেও সাধনীয় বস্তুর ক্ষতি হয় না বলিয়া (তাদৃশ) অর্থের প্রয়োজন নাই। আচ্ছা—একটি দ্বন্দ্ব সমাস নিষ্পন্ন মাতাপিতরৌ পদের উভয়ার্থকত্ব গ্রহণ করিলে (মাতা গ্রহণ করিবে না, পিতা করিবে ঈদৃশ অর্থ গ্রহণ করিলে) একই সঙ্গে দুইটি বৃত্তি গ্রহণরূপ বিরোধ হয় না কি? এস্থলে গত্যন্তর না থাকায় (মনু যাজ্ঞবল্ক্যাদির) বচন বশতই গঙ্গায়াং ঘোষমৎস্যৌ (গঙ্গাতে ঘোষ পল্লীও মৎস্য) বাক্যে যেমন জহদ-জহৎ স্বার্থ লক্ষণা দ্বারা শাব্দবোধ হয় তদ্রূপ হইয়াছে ইহা স্বীকার করি।

তাই (সিদ্ধান্ত এই যে) পতি জীবিত থাকিতে পত্নীর স্বাধীন ভাবে দানে অধিকার নাই। পতি না থাকিলে (তাহার মরণের পর) স্বতন্ত্রভাবে পত্নীর দানে অধিকার আছে—এই ভাবে বিষয়ের বিভাগ করিয়া উভয়ের সঙ্কলন করা হইয়াছে। এখানে কোনও বাধাও নাই। সাপেক্ষত্ব নিরপেক্ষত্ব দ্বারা দানবিধির পৃথক্ প্রবৃত্তি হয় না ইহাই বাচ্য।

48. मूलम्

(25B) दानविधेर्नपृथक् प्रवृत्तिरिति वाच्यम्। न स्त्री दद्यात् प्रतिगृह्णीयाद्वेत्यस्य वैयर्थ्यात्। तथा च हारीतः-- दानार्थे वा धनार्थे वा धर्म्मार्थे वा विशेषतः। आदाने वा विसर्गे वा न स्त्री स्वातन्त्र्यमर्हति। अनेन दानमात्रस्य प्रतिषेधेऽपि न स्त्री दद्यादित्यादिवत् पृथगुपादानम्। तत्र शुक्रशोणितयोः सम्भवस्य हेतुताया (? हेतुतया) अविशेषपदयो (रू) भयोः समत्वेन प्राप्तौ सार्थकम् (सार्थक्यम्) अन्यथापिष्टपेषणापत्तेः। एतच्च हारीतवचनम् आपदादीतरत्र बोद्धव्यं नारदैक्यात् स्त्रीकृतान्यप्रमाणानि कर्म्माण्याहुरनापदि। विशेषतो गृहक्षेत्रदानाधमनविक्रयाः।। (नारदस्मृति, ऋणादान, 26)। इत्यत्रानापदीत्युक्तेः। तथा अस्वतन्त्राः स्त्रियः सर्व्वाः पुत्रा दासाः परिग्रहा इत्यभिधाय बाल आषोडशाद्वर्षात् पौगण्डश्चापि कथ्यते। परतो व्यवहारज्ञः स्वतन्त्रः पितरावृते । जीवतोर्न स्वतन्त्रः स्याज्जरयाऽपि समन्वितः। (नारद, ऋणादान 34ab, 35 ed, 36)

दीप्तिः

(25b) एवञ्च दत्तकव्यापारे वहुस्मृतिवचनप्रामाण्यात् स्त्रीणां यदस्वातन्त्र्यं कथितं तद् अनापदि इति ज्ञेयम्। नारदीयवचनेऽपि स्त्रीकृतानां गृहक्षेत्रदानाधमनक्रियाणाम् अप्रामाण्यम्।

(25b) for, in that case the statement : "women shall neither make gift of nor receive in gift (a son for adoption)" becomes useless. In the matters of gift, wealth, religious work specially, in matters of take over or make over—women have no right—in this statement of Hārīta—although gift (=making over) in general is prohibited (for woman) women shall not give away (a son)—in this statement—it has been separately mentioned).

In that context—since the mixture of semen and female generative fluid is the cause of birth (of a child)—the two words having been used without any discrimination—the equality of both (the father and the mother) having been arrived at (the above statements) hold good. Otherwise the whole exercise will be like pressing something that has already been pressed (ie. useless tantalogy).

This remark of Hārita is to be taken as operation in cases other than emergency and it is in unanimity with the remark of Nārada (which is as follows : All women, sons, slaves and retinue are dependant .... saying this (it has been concluded that) one remains a senior like the attainment of the sixteenth year, (then) he is called Pauganḍa. After that he becomes (adult and) capable of handling litigations and becomes independant but not when his parents are living. While they are alive the son although (sufficiently grown up and) old is not free to act of his own.

(25b) কারণ (সেক্ষেত্রে) স্ত্রীলোক (পুত্র) দান করিবে না অথবা (পুত্র) প্রতিগ্রহ করিবে না এই বচনটি ব্যর্থ হইয়া পড়ে। দান ব্যাপারে, ধনব্যাপারে, ধর্মব্যাপারে বিশেষ করিয়া গ্রহণ বা ত্যাগে স্ত্রীলোকের স্বাধীনতা নাই—হারীতের এই বচনে দানমাত্রেই (স্ত্রীলোকের) নিষেধ করা হইলেও স্ত্রীলোকে (পুত্র) দান করিবে না ইত্যাদি বাক্যের দ্বারা বিশেষ ভাবে উক্ত।

(পিতা মাতার) শুক্র শোণিত হইতে পুত্রোৎপত্তির কারণতা বশতঃ পদ দুইটির (পিতা-মাতার) নির্বিশেষ গ্রহণ হওয়ায় সার্থকতা। অন্যথা (বচনগুলির দ্বারা) পিষ্টপেষণ মাত্র হয়।

এই হারীত বচন আপদাদি ভিন্ন অন্যক্ষেত্রে প্রযোজ্য এইরূপ বুঝিতে হইবে, তাহার ফলে নারদ বচনের সহিত তাহার ঐক্য রক্ষিত হয়।

বিপন্ন অবস্থা না হইলেও স্ত্রীলোকের দ্বারা কৃত (ব্যবহারাদি) কর্ম বিশেষতঃ গৃহ সম্বন্ধী, ক্ষেত্রসম্বন্ধী, দান, আধি বা নিক্ষেপ জাতীয় কর্ম ও বিক্রয়কর্মকে পণ্ডিতেরা অপ্রমাণ বলিয়াছেন। অর্থাৎ আপদ্ ভিন্ন অন্যক্ষেত্রে এইগুলি অপ্রমাণ বলিয়াছেন। ইহা ছাড়া, সকল স্ত্রীলোক (অপ্রাপ্ত বয়স্ক) পুত্রেরা, দাসেরা, পরিজনেরা পরাধীন বলিয়া ষোড়শ বর্ষের পূর্ব পর্যন্ত বালক, তাহাকে পৌগণ্ড বলা হয়। তাহার পর সে ব্যবহার বিষয়ে অধিকারী হয়, পিতা মাতা বর্ত্তমান না থাকিলে (তবেই) স্বাধীন হয়। তাঁহারা জীবিত থাকিলে পুত্র জরাগ্রস্ত হইলেও স্বাধীন হয় না।

49. मूलम्

(26A) तयोरपि पिता श्रेयान् वीज प्राधान्यदर्शनात्। अभावे वीजिनो माता तदभावे तु पूर्व्वजः॥ (नारद, ibid., 37)॥ इत्यादि वृहस्पति[63] वचने

63. वस्तुतस्तुनारदवाचन

स्त्रीणामस्वातन्त्र्यमभिधाय पितुरभावे मातुः प्राधान्यमुक्तम्। पूर्व्वजस्य प्राधान्यन्तु न तद्दानादौ वीजाभावात्। पत्यनुमत्या स्त्रीकर्तृकदानग्रहणे न तु नादाने वा विसर्गे वा इत्यस्य तु नावसरः। अनुमतेरेव तत्र कारणत्वात्। तस्याश्च "श्रौतस्मार्त्तक्रियाहेतोर्वृणुयादृत्विजं पुनरिति", जुहुयाद्धावयेद्वापि इत्यादिवचनैर्देवीपूजा व्रतप्रतिष्ठावृषोत्सर्गादिषु ब्राह्मणद्वारा होमादिदर्शनादत्रापि ब्राह्मणद्वारैव महाव्याहृतिभिर्हावयित्वा ग्रहणम्। न चात्र स्त्र्यनधिकाराद् (स्त्री + अनधिकारादङ्गिनो हानिरिति वाच्यम्। प्रतिनिधिनैवोक्तकर्म्मस्वङ्गाचरण-दर्शनात्।। शुक्रशोणितयोः कारणत्वं केन प्रकारेण, किमाधारकत्व (त्वं) को धातुरित्युच्यते। तत्र रसासृङ्मांसमेदोऽस्थिमज्ज शुक्राणि धातवः।

दीप्तिः

(26a) तदेव प्रथयति। यत्र पत्यनुमतिर्वर्त्तते, तत्र तस्यैव कारणत्वात् कथितनारदादि वाक्यानां नावसरः। तत्रापि श्रौतस्मार्त्तक्रियादिषु देवीपूजाव्रत-प्रतिष्ठावृषोत्सर्गादिषु ब्राह्मणद्वारा होमादिदर्शनात् अत्रापि ब्राह्मणद्वारैव महाव्याहृतिभिः होमसम्पादनं कृत्वा दत्तकग्रहणं भवति? तत्र होमकर्म्मणि स्त्रीणामनधिकारात्,-- स्त्र्यनधिकारादत्र पटानधिकरणम् प्रतियोगितानवच्छेदकम् इत्यादिवत् मध्यपद-प्रधानसमासः, अङ्गिनो होमकर्मणो दत्तकग्रहणकर्मणो वा हानिर्न चिन्तनीया, प्रतिनिधिद्वारैव तत्सिद्धेः।

शुक्रशोणितम् इति।। देहमध्ये रसशुक्रमसृङ्मज्जामांसमेदोऽस्थिनी सप्तधातवः।

(26a) Between these two again, father is more prominent as the pre-eminence of the sperm is (generally) accepted. In the absence of such father, mother is important and in her absence the elder—in such other remarks of Bṛhaspati [in reality these are remarks of Nārada] expressing lack of independence of women, mother's prominence, in the absence of father, is stated. The prominence of the elder brother, however, is not effective in the case of gift (in adoption) because he is not the procreator (of the child). In the matter of gift by the wife (ie. the mother of the child) with (prior) permission of the husband the prohibition indicated by "*nādāne vā visarga vā na strī svātantryam arhati* (the wife

does not get any unilateral right in making receipt or gift) is not applicable. Since permission (of the hushand) in the cause here.

For it is seen that priests for performing śrauta and smārta rites on behalf of such wives, are to be appointed who will themselves after oblation to the sacrificial fire and cause the works done (by the ladies) such remarks sanction the use of brahmin (priests) who perform *devīpūjā, vrata, pratiṣṭhā, vṛṣotsarga* and other works, where they perform the homa (for women)—here also, by means of brahmin priests causing the *mahāvyāhṛti* oblations offered, the procedure of oblation is performed.

One need not argue that owing to absence of women's rights (to perform the rites) there will be debasement of the main ritual, because in such works, it is seen that deputies officiate to perform the different parts of it.

Now the discussion is on how the sperm and generative feminine fluid become the cause of the factors, what is their basis and what is dhātu. *Rasa* (serum), *asṛk* (blood), *māṃsa* (flesh), *medas* (fat), *asthi* (bone), *majjā* (marrow of the bones) (and) *śukra* (sperm or semen) are the seven *dhātus* or constituents of the body.

(26a) তাহাদের (অর্থাৎ পিতা মাতার) মধ্যেও পিতাই অপেক্ষাকৃত প্রধান কারণ পিতার বীজের প্রাধান্যই স্বীকার করা হয়। তাদৃশ বীজী পিতার অবর্ত্তমানে মাতা প্রধান, তাঁহার অভাবে জ্যেষ্ঠ ভ্রাতা—ইত্যাদি। বৃহস্পতিবাক্যে (মূলতঃ নারদবাক্যে স্ত্রীলোকের স্বাতন্ত্র্যের অভাবের কথা বলিয়া পিতার অবর্ত্তমানে মাতার প্রাধান্যের কথা বলা হইয়াছে। অগ্রজ ভ্রাতার প্রাধান্য কিন্তু দানের ক্ষেত্রে নয়—কারণ সেক্ষেত্রে বীজাভাব (অর্থাৎ ভ্রাতা তো জনক নয় তাই সে দান করিতে পারে না)। পতির অনুমতিতেস্ত্রী কর্ত্তৃক দানের ক্ষেত্রে আদানে বা ত্যাগে স্ত্রীলোকের অধিকার নাই ইত্যাদি নিষেধের অবকাশ নাই। কারণ এই বিষয়ে পতির অনুমতিটিই কারণ। এবং সেই পত্নীর জন্য শ্রৌতস্মার্ত্ত যাগ পূজাদি কর্মের জন্য ঋত্বিক্ বরণ (নিযুক্ত) করিবে এবং সেই পুরোহিতের দ্বারা হোম করিবে বা করাইবে প্রভৃতি বচনের দ্বারা দেবীপূজা-ব্রত-প্রতিষ্ঠা-বৃষোৎসর্গ শ্রাদ্ধাদিতে ব্রাহ্মণের দ্বারা হোমাদি কর্ম সম্পাদিত হয় দেখা যায় বলিয়া এখানেও (অর্থাৎ দত্তক গ্রহণেও) ব্রাহ্মণের দ্বারাই মহাব্যাহৃতি হোম করাইয়া পুত্র গ্রহণ হয়। এই কর্মে স্ত্রীলোকের স্বতন্ত্র অধিকার না থাকায় দত্তকগ্রহণ

রূপ মূল কর্মের (= অঙ্গীর) হানি হয় ইহা বলা যায় না। কারণ (ব্রাহ্মণরূপী) প্রতিনিধি দ্বারাই উক্ত দত্তক গ্রহণ বিধির অঙ্গ স্বরূপ কর্মগুলির অনুষ্ঠান করা যায়।।

শুক্র ও শোণিত কী প্রকারে জননের কারণ হয়—তাহাদের আধার কি, ধাতু কাহাকে বলে এই বিষয়ে অধুনা আলোচনা হইতেছে।। রস, অসৃক্, মাংস, মেদস্, অস্থি, মজ্জা ও শুক্র ইহারা দেহধাতু।।

50. मूलम्

(26B) इति। धा धातोस्तुप्रत्ययात् दधाति पुष्णाति शरीरम् इति धातुरिति। एषां कर्म्माण्याह--प्रीणनं जीवनं लेपः स्नेहो धारणपोषणे। गर्भोत्पादस्वधातूनां श्रेष्ठं कर्म्मक्रमात् स्मृतम्। एवं मांसेन रसः शुक्रीभवति स्त्रीणामार्त्तवञ्च भवति, स्त्रिया अपि यत् शुक्रम्भवति परं तन्न गर्भाय। अतएव योषितोऽपि स्रवत्येव शुक्रंपुंसः समागमे। तत्र गर्भस्य किञ्चित्तु न करोतीति विद्यते।। "यदा नार्यावुपेयातां वृषस्यन्त्यौ कथञ्चन। मुञ्चन्त्यौ शुक्रमन्योन्यमनस्थि तत्र जायते" (सुश्रुतसंहिता, शारीरस्थान, chap 2. v. 47)**।। एतेन स्त्रीणां सप्तमोधातुरार्त्तवं शुक्रमष्ठम इति बोधितम्। तत्र गर्भोपयोगि स्त्रीणामार्त्तवं पुंसां शुक्रं भवतीति सिद्धान्तः। यथा स्त्रीणां-गर्भोपयोगिस्यादार्त्तवं सर्व्वसम्मतम्। तासामपि वलं कर्त्तुं शुक्रं पुष्टिं करोति हि।।**

दीप्तिः

(26b) दधाति धारयति पुष्णाति वा शरीरम् इति "सि-तनि-गमि-मसि-सचि-अवि-धाञ्-क्रुशिभ्यस्तुन् इति (उणादि 69) सूत्रेण तुन् प्रत्यये युक्ते सिध्यति धातु शब्दः (सेतु-तन्तु-गन्तु-मस्तु-सक्तु-ओतु-धातु-क्रोष्टु शब्दाः सिध्यन्ति) अधुना वैद्यकशास्त्रात् देहधातूनां कर्म विशिनष्टि सुश्रुतवाग्भटादिग्रन्थात्।

(26b) The word *dhātu* is formed by adding the *'uṇādi'* suffix *'tun'* to the root *'dhā'* (meaning to hold, to sustain)—meaning—if holds, it nourishes the body. The functions of these *dhātus* are thus told : *prīṇana* (pleasing), *jīvana* (energising), *lepa* (pasting), *suca* (fattening), *dhāraṇa* (sustaining), *poṣa* (maintenance) and *garbhatpāda* (creating

the foctus). Thus by flesh the *rasa* or serum changes into semen and in women into menstrual fluid. Whatever semen is produced in women—it does not change into foctus/semen and therefore (we have that) even of women semen is discharged at the time of copulation (with men), but that does nothing toward the formation of the foctus *garbhasya* (of the foctus) means—'of the unchanged foctus' *(=avikṛta garbhasya)*. But that may become the cause of the abnormal foctus. Thus (in the Suśruta-saṃhitā, Śārīrasthāna, chapter II, verse 47, we have) when two women (like lestion) amorously copulate and shed sperm/semen on each other—the result is a boneless non-entity. By this it is implied that ārtava (female sensative fluid) is the seventh dehadhātu (constituent of the body) and *śukra* is the eighth *dehadhātu* of women.

The conclusion here is that the mixing of the male sperm and female generative fluid *(=ārtava)* is the cause of formation of the foctus. The *ārtava* is the cause of the foctus and sperm strengthens this in the female body.

(26b) ধা ধাতুতে উণাদি তুন্ প্রত্যয়যোগে, যাহা শরীরকে ধারণ করে, পোষণ করে তাহা (এই অর্থে) ধাতুপদটি নিষ্পন্ন। এই দেহধাতুদের কর্মগুলি এইভাবে বলা হইয়াছে। প্রীণন (প্রীতিকারক), জীবন (প্রাণদায়ক), লেপন (অনুলেপন) স্নেহ (তৈলাক্ত আর্দ্রতাদান), দেহধারণ, দেহপোষণ ও ভ্রূণ উৎপাদন যথাক্রমে রস, শোণিত, মাংস, মেদ, অস্থি, মজ্জা ও শুক্র নামক দেহ ধাতুদের কার্যরূপে গৃহীত।

এইভাবে মাংসের দ্বারা রস (বা রক্ত রস) শুক্রে পরিণত হয় ও স্ত্রীলোকের আর্ত্তবে (ঋতুস্রাবে) পরিণত হয়। স্ত্রীলোকেরও শুক্র হয়, কিন্তু তাহা হইতে ভ্রূণ উৎপাদন হয় না। তাই (বলা হইয়াছে) পুরুষ সঙ্গমে স্ত্রীলোকেরও শুক্রক্ষরণ হয়। তাহাতে গর্ভের কিছুই হয় না। গর্ভস্য শব্দের দ্বারা অবিকৃত গর্ভ বুঝিতে হইবে। বিকৃত গর্ভের কিন্তু তাহাই কারণ। যখন দুই নারী কামার্ত্তা হইয়া পরস্পরে উপগত হয় ও পরস্পরের (যোনিতে) শুক্রক্ষরণ করে—তখন অস্থিহীন বিকৃত গর্ভ উৎপন্ন হয়। (সুশ্রুত সংহিতা, শারীর স্থান, দ্বিতীয় অধ্যায় শ্লোক)। ইহার দ্বারা স্ত্রীলোকদের সপ্তমধাতু আর্ত্তব ও শুক্র অষ্টমধাতু ইহা বোঝান হইয়াছে। এবিষয়ে গর্ভোৎপাদনের উপযুক্ত হইল পুরুষের শুক্র ও স্ত্রীলোকের আর্ত্তব। তাহা স্ত্রীলোকদের বলাধান বর্ণ শুক্র ও পুষ্টিসাধন করে।

51. मूलम्

(27A) ओजस्तु अष्ठमोधातुः। यथा वाभटः (वाग्भटः)[64]–ओजस्तु तेजो धातूनां शुक्रान्तानां परं स्मृतम्। हृदयस्थमभिव्यापि देहस्थिति निबन्धनम्।। यस्य प्रवृद्धौ देहस्य पुष्टितुष्टिबलोदयाः। यन्नाशे नियतं नाशो यस्मिंस्तिष्ठति जीवनम्।। निष्पाद्यन्ते ततो भावा विविधा देहसंश्रयाः। उत्साहप्रतिभाधैर्यं लावण्यं सुकुमारता।। इत्यादि।। चतुर्थरसस्य द्वौभागौ भवतः, स्थूलः सूक्ष्मश्च।। सूक्ष्मस्नेहभाग ओजः स्थूलभागो मांसेन नवदन्तोत्तरेण पुंसां शुक्रं स्त्रीणामार्त्तवं भवति। एतच्च मध्याग्नीनां, दीप्ताग्नीनां, मासमूले, मन्दाग्नीनां मासाधिकेनापि रसादिधातूनां क्रमशो जननम्। तथा– ओजः सर्व्वशरीरस्थं स्निग्धं पीतं स्थिरं सितम् (शीतम्)। सोमात्मकं शरीरस्य बलपुष्टिकरं परम्।। तथा गुरु (पीत)[65] मृदुस्निग्धं सान्द्रं स्वादु स्थिरं कथा। प्रसन्नं पिच्छिलं सूक्ष्म--

दीप्तिः

(27a) ओजस्तु अष्टमोधातुः। देहस्थितिकारकं तदोजः। चतुर्थ-रसस्य सूक्ष्मभागात् ओजसः उत्पत्तिः, स्थूलभावात् मांसस्य। तस्माच्च पुंसां शुक्रंस्त्रीणामार्त्तवम् उत्पद्यते।।

(27a) *Ojas* is the eighth constituent (of the body). Vāgbhaṭa (said in this context in his *Aṣṭāngahṛdaya*, *Sūtrasthāna*, chap. XI, v.v. 37-39ab) from *Rasa* (serum) to *Śukra* (semen)—of these seven bodily constituents whatever is conducive to vigour is *Ojas* (strength). (Although) its normal abode is the heart (even then) it pervades the body living

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64. वाग्भटप्रणीतम् अष्टांगहृदयम् (सूत्रस्थानम्, एकादशे अध्याये श्लोकाः 37-39 ab) ओजसो लक्षणं सुश्रुतसंहितायाम् (सूत्रस्थानम्, पञ्चदशो अध्याये) प्रदत्तम्। श्रीमन्मिश्रभाव (अथवा श्रीमन्द्भावमिश्र) सङ्कलिते भावप्रकाशग्रन्थे (पूर्वखण्ड-प्रथमभागे) विषयोऽयं चर्चितः। ऐतरेय ब्राह्मणस्य (1b) तथा तैत्तिरीयब्राह्मणस्य (1.2.1) व्याख्यायां सायणाचार्येणोक्तम्- "ओजो बलहेतुः अष्टमो धातुः"। तेनैव तैत्तिरीयब्राह्मणस्य (III. 9.21) व्याख्यानावसरे कथितम् 'बलहेतुर्नवमोधातुरोजः"। शतपथब्राह्मण (V. 4.1.14) व्याख्यायां तेनैव सायणेन "ओजः इति मनोबलम्"।

    सुश्रुतसंहिता-सूत्रस्थानम् एकादश अध्यायः-19 श्लोके– "रसादीनां शुक्रान्तानां धातूनां यत् परं तेजः तत् खलु ओजः, तदेव बलम् इति उच्यते......."।

65. कोष्ठकान्तर्गत पीत इति शब्दः अधिकः। स च वर्जणीयः, अन्यथा छन्दोभङ्गः।

moves throughout the body) and is the (main) cause of (clinical existence). In enhancement in the body leads to enhancement of (the feeling of) contentment, nutrition and strength. In its decay—loss of life is sure and life exists so long as this (also) exists. From it various feelings that he (dormant) in the body as energeticness, talent, tolerance, beauty and gracefulness come up.

The *Rasa* (Serum), the fourth in series has got two parts *sthūla* and *sūkṣma* (the gross and the subtle). The finer (ie. the subtle) mentions part of these is ojas. [The Rasa ie. the sustainer of life stays in each of the above noted *dehadhātus* from *Rasa* to *Majjā* for five days and one and a half *daṇḍa* (1 *daṇḍa* = 24 minutes) and then its essence passes on to the next constituent and] in this way remaining in the former constituents for one month and nine *daṇḍas* it changes into semen in male body and generative fluid in female body. [The passage of ojas is from serum or rasa to blood, then from blood to flesh and then to fat, to bone, to marrow and finally to semen or female genrative fluid]

Thus in (about) one month this gradual transformation of rasa and other constituents happens in persons of moderate health *or medium metabolic power or digestive fire (madhyāgni)*, in the case of strong and healthy *(dīptāgni) high metabolic power or digestive fire* it takes place even before one month and in weak persons *(mandāgni) weak digestive fire or metabolic* power in more than one month. And *ojas* is (described as) pervading the entire body, unctuous, yellow, containing essence and white, of the nature of *soma* and causes strength and nutrition in the body and also soft, unctuous, thick, tasty, of the essential parts and lasting—it is pleasing, slimy (or greasy) of subtle appearances thus *ojas* is possesed of ten features.

(27a) ওজস হইল অষ্টম ধাতু। যথা বাগভটের অষ্টাঙ্গহৃদয় (সূত্র স্থান, একাদশ অধ্যায়, 37-39 ab= লিখি ত—শুক্র পর্যন্ত সাতটি দেহধাতুর মধ্যে যে তেজঃপদার্থ তাহা হইল ওজস্। তাহা (প্রধানত:) হৃদয়ে স্থিত হইলেও সর্বশরীরব্যাপী, ব্যাপক ও দেহধারণের কারণ (জীবনের আশ্রয়), যাহার বৃদ্ধিতে দেহের সন্তোষ, পুষ্টি, বলোদয়, যাহার নাশে নিশ্চিত দেহনাশ, যাহার অস্তিত্বে জীবনের অস্তিত্ব। তাহা হইতে দেহস্থিত

বিভিন্ন ভাব (মানসিক অবস্থা) সমূহের প্রকাশ হয়, যথা উৎসাহ, প্রতিভা, ধৈর্য, লাবণ্য, সৌকুমার্য ইত্যাদি। গৃহীত খাদ্যের সার স্বরূপ যে রস তাহাদের মধ্যে যাহা চতুর্থ তাহার দুইটি ভাগ—স্থূল ও সূক্ষ্ম। সূক্ষ্ম যে স্নেহময় অংশ তাহাই ওজস্। রস—শরীরারম্ভক রস হইতে মজ্জা পর্যন্ত প্রতি ধাতুতে ক্রমে ক্রমে গমন করিয়া তত্তদ্‌ধাতুতে পাঁচদিন দেড়দণ্ড পরিমিত কাল অবস্থান করে। রস হইতে রক্ত তাহা হইতে মাংস, তাহা হইতে মেদ, তাহার পর অস্থি, তাহা হইতে মজ্জা পর্যন্ত অবস্থান করিয়া শুক্রে পরিণত হয়। পূর্বোক্ত স্থূল ভাগ তাহার পর একমাস ও নবদণ্ডমিত কালের পর পুরুষের শরীরে শুক্রে পরিণত হয়, স্ত্রী শরীরে আর্ত্তবে পরিণত হয়। এই রস মধ্যম বিপাকীয় শক্তি যুক্ত (মধ্যাগ্নি) পুরুষের শরীরে এক মাসে, দীপ্তাগ্নিদের একমাসের মধ্যে ও মন্দাগ্নিদের একমাসেরও অধিক সময়ে, রসাদি ধাতু ধাতুদের ক্রমশঃ সৃষ্টি করে। "ওজঃ সর্বশরীরে অবস্থান করে। ইহা স্নিগ্ধ, পীতবর্ণ, স্থির পদার্থ, শীতল, সোমাত্মক, শরীরের বল ও পুষ্টিকারক"—এবং ওজঃ গুরু, মৃদু, স্নিগ্ধ, গাঢ়, স্বাদু, স্থিরপদার্থ, প্রসন্নতাকারক, পিচ্ছিল ও সূক্ষ্ম এইরূপ দশগুণ যুক্ত।

52. मूलम्

(27B) मोजो दशगुणं स्मृतम्।। तथा अष्टविन्दुप्रमाणन्तदीषद्रक्तं सपीतकम्। अग्नीषोमात्मकत्वेन द्विरूपं वर्ण्णितन्तु तत्।। पुत्रोतपत्तौ शुक्रप्रमाणमर्द्धप्रसृतिमात्रमधिकं शोणितप्रमाणं प्रसृतिद्वयं न्यूनम्। ततो न्यूनशुक्रे कन्या, अधिके पुमान्। समे नपुंसकम्। समेऽपुमान् पुं स्त्रियौ वा क्षीणेऽल्पे च विपर्यय इत्युक्तेः। तथा मनुः (3.49 ab) "पुमान् पुंसोऽधिके शुक्रे स्त्री भवत्यधिके स्त्रियः" इति। शुक्रं कस्याचित् (कस्यचित्) हर्षवशात् अधिकमपि ग्रवति। तत्र गर्भजननयोग्यशुक्रस्य लक्षणमाह"--स्फटिकाभं द्रव्यं स्निग्धं मधुरं मधुगन्धि च। शुक्रमिच्छन्ति केचित्तु तैलक्षौद्रनिभञ्च तत्"।। गर्भजननयोग्यस्यार्त्तवस्य लक्षणं यथा- शशासृक्प्रतिमं यच्च यद्वा लाक्षारसोपमम्। तदार्त्तवं प्रशंसन्ति यद्वासो न विरञ्जयेत्। आर्त्तवस्य वर्णद्वयाभिधानं वातादि प्रकृतिभेदेन वर्णभेदात्।।

दीप्तिः

(27b) पुत्रोत्पत्तौ शुक्रप्रमाणमर्धप्रसृतिमात्रं शोणितं प्रसृतिद्वयम्। अतो न्यूने शुक्रे कन्या जायते। समे नपुंसकम्। तत्र समर्थकं वचनम् उद्धृतम्। हर्षवशात्

अधिकशुक्रक्षरणमपि क्वचित्। आधुनिकजीवविज्ञानिनः पुनः क्रोमोसोम (chromosome) नामसकस्य पदार्थस्य द्वैरूप्यं प्रकल्प्य सङ्गमकाले विशिष्टरूपेण आविर्भावात् स्त्रीपुंसयोर्जननं भवति इति मन्यन्ते। तदर्थं तानि तानि पुस्तकानि द्रष्टव्यानि।

(27b) It is of the size of eight (fluid) drops (taken together), slight crimson coloured with yellow linges and that has been described as possessing the features of Agni and Soma and is therefore of two types.

In the birth of a male baby—the quantity of semen is half of that can be contained in one prasṛti (palm of the hand stretched out and hollowed), generative female fluid will be twice a prasṛti ful (or handful). If semen happens to be less in quantity—a female child is born (of that copulation), and if it is more then a male child is born. When semen and female fluid are of equal quantity a eunuch is born. It has also been said that when both these elements are of equal quantity, a eunuch is born, if the male element is more a male baby, and if is opposite a female baby is born. Manu also has said (in 3.49ab)—when the semen of the male is more (then the feminine fluid) a male is form and when the female fluid is more in quantity a girl is born.

Some, however, out of hilarity ejaculates more the signs of semen capable of reproducing a foctus are : It is, of the colour of crystal, liquid, fattening, sweet and of the smell of honey. Some, however prefer semen to be of the appearance of oil and honey. The features of female generative fluid capable of reproducing the foctus are : It is of the colour of the blood of hare or like that of lask die. That female fluid is preferred which does not stain the cloth. Two colours of generative female fluid are noted owing to difference is colour caused by elements like vāyu, pitta & kapha (phlegm).

(27b) ইহা অষ্টবিন্দু পরিমাণ, ঈষদ্রক্তাভ পীতবর্ণ। ইহা অগ্নি ও সোম এই দ্বিরূপাত্মক বলিয়া বর্ণিত হইয়াছে। গর্ভোৎপত্তিতে (উপাদান রূপে) শুক্রের পরিমাণ অর্ধ প্রসৃতি (অঞ্জলি পুটে যত পরিমাণ ধরে তাহার অর্ধভাগ) ও শোণিত বা আর্ত্তব দুই প্রসৃতি পরিমাণ। (মিলন কালে ক্ষরিত) শুক্রের পরিমাণ ইহার কম হইলে কন্যা সন্তান জন্মায়, অধিক হইলে পুত্রসন্তান হয়। শুক্র ও আর্ত্তব সমান হইলে নপুংসকের জন্ম হয়। বলা হইয়াছে (শুক্র ও আর্ত্তব) সমপরিমাণ হইলে নপুংসক, কোনও একটি

ক্ষীণ বা অল্প পরিমাণ বা তাহার বিপরীত হইলে পুরুষ বা স্ত্রী সন্তান হয়। মনুও (৩.৪৯-তে) বলিয়াছেন—পুরুষের বীর্য অধিক হইলে পুত্রসন্তান ও স্ত্রীলোকের আর্ত্তব অধিক হইলে স্ত্রী সন্তান জন্মায়। কাহারও বা আনন্দোদ্রেকবশত: অধিক ক্ষরণও হয়। গর্ভজনন যোগ্য শুক্রের লক্ষণ, যথা—ইহা-স্ফটিক বর্ণ, তরল, স্নিগ্ধ, মধুর ও মধুরমত গন্ধযুক্ত/ কেহ কেহ এবিষয়ে তৈলক্ষৌদ্রের (তৈল ও মধুতুল্য) মত শুক্রের কথাও বলিয়াছেন। গর্ভজননযোগ্য আর্ত্তবের লক্ষণ, যথা—শশকের শোণিতের মত বর্ণযুক্ত, অথবা লাক্ষারসের (অলক্তক) মত বর্ণযুক্ত এবং যাহা বস্ত্রকে রক্তিম করে না (স্খালনের পর চলিয়া যায়) সেইরূপ আর্ত্তবকেই গর্ভজননযোগ্য বলিয়া প্রশংসা করা হয়। আর্ত্তবের দুই প্রকার বর্ণের কথা—বাতপিত্তকফপ্রভাবে আর্ত্তবের বর্ণভেদ হয় বলিয়া (বলা হইল)।

53. मूलम्

(28A) मासादेव रजः स्त्रीणां मासि मासि त्र्यहं स्रवेत्। तद्वर्षाद्वादशादूर्द्ध्वं याति पञ्चाशतः क्षयम्।। मासेनोपचितं काले धमनीभिस्तदार्त्तवम्। ईषद्विवर्णं रक्तञ्च वायुर्योनिमुखं नयेत्। इत्यलं प्रपञ्चेन, प्रकृतमनुसरामः।।–

तदेवं साग्निनिरग्नि[A]भेदेन पुत्रेष्टिमहाव्याहृति होमादिकग्रहणाभिधानात् "ऊर्द्धन्तु पञ्चमाद्वर्षान्नदत्ताद्याः सुता नृप। गृहीत्वा पञ्चवर्षीयं पुत्रेष्टिं प्रथमञ्चरेत्' इत्यत्र नञोऽप्राशस्त्यमर्थः। ततश्च पञ्चमाद्वर्षादूर्द्ध्वमपि गृहीत्वा (गृहीता) दत्याद्याः सुता न, अपित्वप्रशस्ता इत्यर्थः। अस्य च साग्निनिरग्नि[B]साधारण्य-शङ्कायामाह-गृहीत्वा पञ्चवर्षीयमिति। पञ्चवर्षावयोजातमस्य इत्यर्थे तद्धितप्रत्ययेन।

दीप्तिः

(28a) साग्निको जनः पुत्रेष्टियागेन सहैव दत्तकग्रहणविधिं सम्पादयेत्। निरग्निकाः महाव्याहृतिहोमादिभिः इति। स च होमः एवं वर्णितः यथा- प्रजापतिर्ऋषिः गायत्रीच्छन्दोऽग्निर्देवता महाव्याहृतिभिः प्रायश्चित्तहोमे विनियोगः। ओं भूः स्वाहा।। एवं......वायुर्देवता...ओं भुवः स्वाहा।। एवं.......सूर्योदेवता......ओं स्वः स्वाहा। प्रजापति ऋर्षि वृहती च्छन्दो (व्यस्त) समस्तमहाव्याहृतिमिः प्रायश्चित्तहोमे विनियोगः। ओं भूर्भुवः स्वः स्वाहा।। तदनु (एतत् प्रान्ते-प्रचलिते) भवदेवमते शाट्यायनहोमोऽपि

A साग्निक-निरग्निकभेदेन।

B साग्निक-निरग्निक।

विधीयते। यथा-सङ्कल्पिते (दत्तकग्रहण) कर्मणि वैगुण्यं जातं चेत् तद्दोषप्रशमनाय अयं शाट्यायनहोमोऽनुष्ठेयः इति क्रियाकाण्डवारिधौ (द्वितीयखण्डे 188 पृष्ठायाम्)॥ सामान्यतः पञ्चवर्षादधिकः पुत्रः न दत्तकत्वेन ग्राह्यः। भवदेवमते पुनः अत्र नञः- "पञ्चमाद्वर्षात् न दत्ताद्याः सुताः"- इत्यत्र पर्युदासेन अप्राशस्त्यरूपोऽणः। अतस्ततोऽपि अधिके वयसि सञ्जाते-दत्तकग्रहणं सिध्यति-तत्तु न प्रशस्तं भवतीतिवाच्यम्।

(28a) Menstrual fluid of women accumulates monthly and each month it is discharged for three days and this physiological phenomenon starts after the twelfth year and stops after the fiftieth year. That fluid accumulated a month through arteries, of the complexion of slightly discoloured blood, is pushed by *vāyu* (like *Vyāna* etc.) toward the opening of the vagina and soon and there is no need of (excessive) digression. Let us follow the contextual matter :

Thus, in the ritual of adoption by a Sāgnika and Niragnika by means of putreṣṭi and *mahāvyāhṛti homa* respectively has been prescribed. Oh king after the fifth year (of the boy selected for adoption) the *dattaka* and other types of sons are not accepted—and taking a child of five years *putreṣṭi* is to be done first'—in such sentence the sense of *nañ* (negation)—is in the sense of non-preferableness. It follows therefore that even after the fifth year if accepted—*dattaka* and other types will nevertheless be sons but they are not preferred

Lest any one should doubt if the (above) rule is applicable to both the sāgnikas and Niragnikas—it is said "accepting a five year old" etc.

Whose age is full five years—in this sense the taddhita (ie. secondary) suffix *cha* is added to the word pañcavarṣa making the word pañcavarṣiya—and the sense that comes out is

(28a) মাসে মাসে স্ত্রীলোকের রজোযোগ হয়, তাহা প্রতিমাসে তিনদিন ক্ষরিত হয়। এই ঋতুস্রাব দ্বাদশবর্ষের পর আরম্ভ হয় এবং পঞ্চাশদ্‌বর্ষের পর বন্ধ হয়। একমাসে সঞ্চিত এই আৰ্ত্তব যথাকালে ঈষদ্বিবর্ণ শোণিতাকারে দেহমধ্যস্থ (ব্যানাদি) বায়ুর দ্বারা যোনি মুখে চালিত হয়....ইত্যাদি অধিক বিস্তারের প্রয়োজন নাই, প্রাসঙ্গিক বিষয়কে অনুসরণ করিব।

তাই এইভাবে সাগ্নিক নিরগ্নিকভেদে যথাক্রমে পুত্রেষ্টি ও মহাব্যাহৃতি হোমের দ্বারা পুত্র গ্রহণের কথা বলা হইয়াছে—হে মহারাজ! পঞ্চমবর্ষের অধিক বয়স্ক পুত্রকে দত্তকাদিরূপে গ্রহণ করা যায় না। "পঞ্চবর্ষীয়কে গ্রহণ করিয়া প্রথমেই পুত্রেষ্টিযাগের অনুষ্ঠান করিবে'—এইবচনের নঞের অর্থ অপ্রাশস্ত্য (প্রশস্ত নয়)। তাহাতে পঞ্চবর্ষের অধিক বয়স্ক বালককে গ্রহণ করিলেও তাহারা দত্তকাদি পুত্র হয় না (এমন নয়) কিন্তু অপ্রশংসনীয় বা নিন্দিত (পুত্র তাহারা) হয়—এই অর্থ। এই বিধানকে সাগ্নি নিরগ্নি সাধারণ বলিয়া কেহ আশঙ্কা করিলে বলা হইয়াছে যে পঞ্চবর্ষীয় বালককে গ্রহণ করিয়া ইত্যাদি। পাঁচ বৎসর বয়স ইহার হইয়াছে এই অর্থে পঞ্চবর্ষা তদ্ধিত ছ প্রত্যয় যোগে পঞ্চবর্ষীয় পদটি হইয়াছে এবং তাহার দ্বারা—

54. मूलम्

(28B) चतुर्वर्षोपरि षड्वर्षादधरीभूतो द्वादशमासात्मकः कालः परामृश्यते। एवं निरग्नेर्ब्राह्मणस्यापि "ब्रह्मवर्चसकामस्य कार्य्यं विप्रस्य पञ्चमे" (मनु 2.37ab) इति मनूक्तपञ्चवर्षोपनयनाभिधानस्यावाधाय एकत्रदृष्टन्यायेन पञ्चवर्षोर्द्ध्ववयस्क ग्रहणनिषेधाभिधानं सार्थकम्। तथाहि यत्र च पञ्चवर्षाभ्यन्तरे चुडादिकं न कृतं तत्र ब्राह्मणस्यापि तस्य सुतरां पञ्चवर्षाधिकवयस्कस्यापि ग्रहणं दत्तकत्वसम्पादकम्। अतएव एकस्मिन्नेव कालिकापुराणे पञ्चवर्षीयग्रहणस्य पुत्रेष्टियागाङ्गकत्वेनाभिधाय चूडाद्या यदि संस्कारा इति पितुर्गोत्रेन यः पुत्रः इत्यादि पूर्व्वलिखितवचनेषु जनकगोत्रकृतचूडादि संस्कारस्य दासत्व--

दीप्तिः

(28b) अयञ्च पञ्चवर्षीयनियमः साग्निनिरग्निसाधारणः। स च कालः चतुर्वर्षादूर्ध्वः षड़वर्षादधरश्च यः द्वादशमासात्मकः समयः स एव पञ्चमवर्षः। मनुना निरग्नेः कृते ब्रह्मवर्चसकामस्य इत्यादि वचनेन (मनु 2.37 ab) उपनयनं विहितम्। तद्बलात् दत्तकव्यापारेऽपि स एव कालो ग्राह्यः। तेन यत्र पञ्चवर्षाभ्यन्तरे ब्राह्मणस्य चूड़ाकरणादि न कृतं तत्र तस्य ग्रहणं सुतरां समीचीनम्। अत्र कालिकापुराणवचनं दत्तकरूपेण ग्राह्यस्य शिशोः अधिकतया पञ्चवर्षीयत्वं स्वीकृत्य पुत्रेष्टियागव्यवस्थां विदधाति॥

(28b).....after the fourth year but before the sixth year the time measured by twelve months—that period (ie. the 5th yr.) is now under discussion. And thus—even for a Niragni

brahmin [the initiation or upanayana] of a brahmin desiring the power of Brahman is to be done in the fifth year" (and) for the unobstructed acceptance of such sayings of Manu (2.37ab) prescribing a brahmins upanayana in the fifth year—on the analogy of things seen together (have the same treatment)—the prohibition of adopting childs older than five years is more meaningful. (In other words even Niragnis should not adopt child of more than five years).

Therefore where within five years *cūḍākaraṇa* etc. have not been done (of the child taken in adoption) then, in the case of brahmin, adoption of child even beyond five years is more effective in confusion the status of adopted son (This is subject to performance of the putreṣṭi)

Therefore, only in the Kālikāpurāṇa once referring to the *putreṣṭi* as a ritual ancillary to the procedure of adoption of a five year old child and again in sentences as—if *cūḍakaraṇa* and other sacraments are done mentioning the *gotra* of the father (procreator)"—noted before (in fol. 24b ante) it is said that there the child whose tonsure etc. have been done by mentioning his father's *gotra* becomes a slave (and not an adopted son of the adoptive father).

(28b) চারবর্ষের অধিক (অথচ) ছয়বর্ষের কম এমন যে দ্বাদশমাসাত্মক কাল— এরই আলোচনা করা হইতেছে। এইরূপে নিরগ্নি ব্রাহ্মণের পক্ষেও "ব্রহ্মতেজঃ কামনায় ব্রাহ্মণ পঞ্চমবর্ষে (উপনয়ন) গ্রহণ করিবে" ইত্যাদি মনু (২.৩৭-এ কথিত পঞ্চমবর্ষে ব্রাহ্মণের উপনয়ন যাহাতে নির্বাধ হয় (তাহার জন্য এবং সাগ্নিক ব্রাহ্মণদের ক্ষেত্রে যে বিধান তাহার সহিত) একত্র বলা হইতেছে দেখিয়া পঞ্চমবর্ষের অধিকবয়স্ক বালক গ্রহণের নিষেধ বিধি সার্থক।। তাই যেখানে (দত্তকরূপে গ্রহণীয় বালকের) পঞ্চবর্ষের মধ্যে চূড়াকরণাদি সংস্কার হয় নাই—সেখানে সেই ব্রাহ্মণের ক্ষেত্রেও পঞ্চবর্ষের অধিকবয়স্ক বালকের গ্রহণ অবশ্যই পুত্রেষ্টি সম্পাদন সাপেক্ষে (অধিকতর) দত্তকত্ব সম্পাদক।

অতএব একমাত্র কালিকাপুরাণেই পঞ্চবর্ষীয় বালকের গ্রহণকালে পুত্রেষ্টিযাগের অঙ্গরূপে তাহা বিধেয় বলিয়া চূড়াকরণাদি সংস্কার যদি জনকের গোত্রোল্লেখ পূর্বক করা হইয়া থাকে...ইত্যাদি পূর্বোল্লিখিত (চন্দ্র গুপ্ত ২৪ এ বচন সমূহে জনকের গোত্র উল্লেখ করিয়া যে বালকের চূড়াকরণাদি সংস্কার করা হইয়াছে তাহার দাস এই সংজ্ঞা হইবে ইহা বলা হইয়াছে—

55. मूलम्

(29A) मभिधत्तवान् [= मभिहितवान्]। तथाहि दत्तकपुत्रोपदेशकमन्वादिब-हुतर-संहितासु कुत्रापि पञ्चवर्षीयग्रहणाभिधानं न दृश्यते। यत्त्वेकस्मिन्नेव कालिकापुराणे दृश्यते तत्रापि पुत्रेष्टिश्रवणम्। पुत्रेष्टिश्च पूर्व्वोक्तश्रुतेः साग्निमात्र कर्त्तव्यत्वेन निरग्नेश्च पञ्चवर्षादिकालाभिधानं यथासम्भवं सावकाशम् इति। ततश्च ब्राह्मणेतरवर्णानां चूड़ाकरणपर्य्यन्तस्य तद्योग्यत्वं सुतरां सिद्धम्। एतेन निरग्नीनामपि ब्राह्मणादीनां पञ्चवर्षीयः कैमुतिकन्यायात्। तन्न्यूनवयस्कोऽपि प्रशस्तो दत्तक इत्यपि सुसङ्गतम्। प्राशस्त्यञ्च मुख्यत्वम् अप्राशस्त्यं गौणं यथा दशवर्षाद्यन्तरे (—भ्यन्तरे) कुमार्या विवाहः प्रशस्तस्तदुत्तरभूतो

दीप्तिः

(29a) प्रसङ्गमुपसंहरति निबन्धकारः। तथाहि मन्वादिबहुतरसंहितासु कुत्रापि पञ्चवर्षीय ग्रहणाभिधानं नास्ति। कालिकापुराणे यदस्ति तदपि पुत्रेष्टिपुरःसरम्। पुत्रेष्टिश्च साग्निकमात्रस्य। अतो निरग्नीनां कृते पञ्चवर्षाभिधानं सावकाशम्—अर्थात् प्रसङ्गे सति, आत्ययिके विषये स नियम उल्लङ्घयितुं शक्यः। तेन क्षत्रियादीनां चूड़ाकरण पर्यन्तं शिशोः दत्तकरूपेण ग्रहणयोग्यता स्वीकृता। न च कालिकापुराणवचनानुसारं दासत्व प्राप्तिः। निरग्नीनां ब्राह्मणानां पुनः कैमुतिकन्यायेन एव पञ्चवर्षीयनियमः सिध्यति । तस्मान्न्यूनवया अपि प्रशस्तदत्तकः। अनेन पुनः भवदेवसिद्धान्तेन— दत्तकमीमांसा दत्तकचन्द्रिकामातानां स्थले स्थले विरोध आपततति। तद्यथा— चूड़ाद्यापदेन दत्तकमीमांसायां जातकर्मादि—अन्नप्राशनान्तानां संस्काराणामुल्लेखः। दत्तकव्यापारे अकृतचूड़स्य कृतचूड़ापेक्षया वरीयता। यदि कृतचूड़ोऽपि पुत्रो गृह्यते तर्हि दातुः ग्रहीतुश्च विनापि सद्विदं द्व्यामुष्यायणो भवत्यसौ बालः। सति पूर्वसिद्धान्ते सर्वदैव द्व्यामुष्यायणता भवेत्। कृतचूड़स्य ग्रहणात् पूर्वं पुत्रेष्टिः अवश्यमेव करणीया (दत्तकमीमांसा p. 56—60) दत्तकचन्द्रिकायामपि एतदेव उक्तम्। अकृतचूड़स्य ग्रहणे इष्टेरावश्यकता नास्ति। सत्यपि पूर्वसमये अकृतचूड़ः द्व्यामुष्यायणो न भवति। (दत्तकचन्द्रिका p. 13-17)। भवदेवनिबन्धे तु द्व्यामुष्यायणस्य कथैव नास्ति। वस्तुतस्तु अर्वाचीनेषु ग्रन्थेषु बहुविधाः कल्पनाः कालक्रमेण स्थानं लभन्ते आलोच्यन्ते च। अत्रापि तदेव जातम्। प्राचीनलेखकस्य भवदेवस्य ये मूलसिद्धान्तास्तैः सह अल्पीयानेव विरोधः परवर्त्तिनाम्। स चास्माभिः प्रसङ्गे प्रदर्शितः (यथा पृः 11b)

मूले प्रथमपंक्तौ अभिधत्तवान् इति अशुद्धं पदं लिपिकरप्रमादफलम्।

(29a) In many codes written by Manu and others, in the context of giving instructions on adopted sons nowhere the adoption of a five year child has been prescribed. It has been said only in one text ie. in the Kālikāpurāṇa (that a five year child is to be adopted) but there also the performance of putreṣṭi is heard (ie. enjoined). And, since *putreṣṭi*, according to the Vedic texts cited before (fol. 22a, 23a ante), is to be done only by the sāgnikas, the principle of adopting a child of five years by a *niragnika* is made open as far as practicable (ie. in certain cases of exigency the rule may be waived).

Thus for castes other than a brahmin the adoptability of a child upto the tonsure and other sacraments is strongly proved. By this for *niragnikas* brahmins too, the adoption of a five year old child is automatically accepted (nothing is required to be said here—it is a truism). It is also proper to say that a child younger than that (ie. younger than five years) is more preferable for becoming an adopted son.

In fact prāśastya (propriety) is chief-ship (primary) and aprāśastya (non propriety) is secondary. Thus, for example, marriage of a virgin within ten years is proper—after that it is not so proper ! nevertheless—marriage is valid (by factum valet). Such consideration is to be made.

(29a) যেহেতু দত্তক পুত্রের উপদেশক মনু (যাজ্ঞবল্ক্য) প্রভৃতি অনেকানেক সংহিতাতে কোন স্থলেও পঞ্চবর্ষীয় পুত্রের দত্তকরূপে গ্রহণের কথা বলা হয় নাই, একমাত্র কালিকাপুরাণে যে সেই (পঞ্চবর্ষীয়ের গ্রহণের) কথা দেখা যায় সে স্থলেও পুত্রেষ্টির কথা শুনা যায়। পুত্রেষ্টি যেহেতু প্রাগুক্ত শ্রুতিবাক্য (fol.22a,23a দ্রষ্টব্য) অনুযায়ী সাগ্নিক মাত্রের কর্ত্তব্য তাই নিরগ্নির জন্য পঞ্চবর্ষীয় বালকের গ্রহণের কথা যথাসম্ভব সাবকাশ (অর্থাৎ স্থলবিশেষে এই নিয়মের লঙ্ঘন সম্ভব)। তাহার ফলে ব্রাহ্মণেতর ক্ষত্রিয় বৈশ্য শূদ্রবর্ণের চূড়াকরণ করা পর্যন্ত বালকের দত্তক হইবার যোগ্যতা অতিশয় সিদ্ধ হইল। ইহার দ্বারা নিরগ্নিব্রাহ্মণেরও পঞ্চবর্ষীয় বালক গ্রহণ স্বাভাবিকভাবেই (কৈমুত্তিকন্যায়ে) সিদ্ধ হইল। তাহা অপেক্ষা অল্পবয়স্ক বালকও প্রশস্ততর দত্তক। ইহাও সুসঙ্গত। প্রশস্ততা অর্থাৎ মুখ্যতা, অপ্রশস্ততা হইল গৌণ। যেমন দশবর্ষের মধ্যে কুমারীর বিবাহ প্রশস্ত—তাহার পরবর্ত্তী কালে বিবাহ গৌণ বা অপ্রশস্ত। কিন্তু বিবাহ তো হয়ই, এইরূপ ভাবিতে হইবে।

56. मूलम्

(29B) गौणः परन्तत्र विवाहस्तु सम्पद्यते एवेति ध्येयम्। चूड़ाद्या इति अत्र चूड़ैव आद्या आदिभूता येषामुपनयनादीनां ते चूड़ाद्या इति बहुव्रीहिस्वीकारे आचूड़ान्तं न पुत्रः स इत्यस्य चूड़ायाः पूर्व्वसंस्काराणां वा जनकेन ग्रहणे का गतिरित्यत्रोच्यते। चूड़ा च तदाद्याश्चेति द्वन्द्वः शाकपार्थिवादित्वात् तत्पदलोपः। आचूड़ान्तमित्यनेन ग्रहणाद्धिचरमसंस्कारश्चूड़ैवेति द्योतितम्। आङिहाभिव्याप्तौ तेन चूड़ापर्यन्त संस्कारमभिव्याप्यदत्तत्वसम्पादकाः संस्कारा इत्यर्थः। पितुर्गोत्रेणेति पितुर्जनकस्य गोत्रेण यश्चूड़ान्तैः संस्कारैः संस्कृतो भवति न स दत्तकसङ्ज्ञो भवति। अन्यतो अन्यस्य ग्रहीतुर्गोत्रेण यः पुत्रश्चूड़ान्तं यथा स्यात्--

दीप्तिः

(29b) पूर्व्वोल्लिखिते चूड़ाद्या यदि संस्काराः इत्यादि वचने (24b) चूड़ाद्याशब्दस्य कोऽर्थः। अत्र दत्तकमीमांसायामेवं (पृ: 57) "चूड़ा आद्या येषां ते तथेति न तु चूड़ाया आद्या इति पूर्व्वेण पौनरूक्त्यापातात्। अनेन जातकर्म्माद्यन्नप्राशनान्तानां जनकगोत्रे-णानुष्ठानेऽपि न विरोधः। तथा च अकृतजातकर्म्मादिर्मुख्यः अकृतचूड़ोऽनुकल्प इति सिध्यति"। भवदेवस्तु न तथाह— । तन्मते यदि चूड़ा (चूड़ाकरणम्) आद्या येषामुपनयना-दीनां संस्काराणां ते चूड़ाद्या इति बहुव्रीहिः स्वीक्रियेत तर्हि तेषां संस्काराणाम् आसमाप्ति न दत्तकपुत्रत्वसिद्धिरिति महाननर्थः। स च आचूड़ान्तम् इत्यादिना सङ्केतितः। चूड़ापूर्वभूतानां संस्काराणां चाकरणे किं भवेत्। अत उक्तं-चूड़ा च तदाद्याश्च इति शाकपार्थिवादिवत् समासः। स च द्वन्द्वगर्भः एकयोरेव पदयोः समासद्वयासमावेशात्। शाकपार्थिवादिवत् समासे तत्पदलोपः— वस्तु तस्तु शाकपार्थिवादीनां सिद्धये समस्तस्य पूर्वपदस्य उत्तरपदलोपो भवति इत्येव नियमः। अत्र पुनः समस्तस्य उत्तरपदस्य पूर्वपदलोपः ईप्सितः। आचूड़ान्तमित्यत्र अभिविधौ शाकः प्रयोगेण चूड़ान्तसंस्कारम् अभिव्याप्य संस्काराः कृताश्चेत् जनकगोत्रोल्लेखेन न तत्र दत्तकत्वसिद्धिः। ग्रहीतुर्गोत्रोल्लेखपूर्वकम् एव चूड़ादिकं विधेयम्॥

(29b) The word *cūḍādyāḥ* may be analysed as *cūḍā ādyā yeṣāṃ te* ie. the sacraments whose list starts with *cūḍā* then

it becomes a case of Bahuvrīhi compound. In that case *ācūḍāntaṃ na putraḥ saḥ*.... in this case what will be the situation what will be the situation if sacraments prior to cūḍā are performed by the father ? The reply is— Better analyse the word according to the *Śākapārthiva*....ete. rule with an emphasis on Dvandva. Thus *cūḍā ca tadādyāḥ ca*. By elision of the word *'tat'* as sanctioned by the above noted rule we get *cūḍādyā*.

In *ācūḍāṇtam* (quoted in fol. 24.b) āṅ in the sense of *abhividhi* (inclusion) is compounded with *cūḍānta* (according to the rule of *avyayībhāva* compound) and it comes to mean *cūḍākaraṇa* is the last of the sacraments (upto adoption). Then *cūḍā* becomes the terminus ad quen and including it—the other sacraments confar the status of an adopted son. *pitur gotreṇa* means "by reference to the *gotra* of the father"—by such process whose sacraments are done—he does not became a dattaka son, *anyataḥ* means 'of another'—ie. of the adoptive father. The child whose sacrament is done by referring to the gotra of the adoptive father (from *cūḍā* to end) becomes an adopted son indeed.

(29b) চূড়াদ্যা শব্দের অর্থ—চূড়াদ্যা পদে চূড়াকরণই আদ্যা আদি ভূতা উপনয়ণাদি বা সমস্ত সংস্কারের তাহারা চূড়াদ্যাঃ এইরূপ বহুব্রীহি সমাস স্বীকার করিলে আচূড়ান্তং ন পুত্রঃ সঃ (চূড়াকরণ পর্যন্ত করা হইলে সে পুত্র নয়) অথবা চূড়াকরণের পূর্ববর্ত্তী জাতকর্ম নামকরণাদি সংস্কারগুলির ইহাদের জনক দ্বারা সম্পাদিত হইলে কি গতি হইবে? উত্তর এই যে চূড়া চ তদাদ্যাঃ চ এইভাবে দ্বন্দ্বগর্ভ শাকপার্থিববৎ সমাস করিলে 'তৎ' পদের লোপ হয়। তখন চূড়াদ্যাঃ সিদ্ধ হয়। আচূড়ান্তং পদে অভিবিধি অর্থে আঙ এই অব্যয়ের চূড়ান্ত পদের অব্যয়ীভাবসমাস করিলে আচূড়ান্তং পদটি হয়। তাহার অর্থ চূড়াটিই চরম সীমা হয়। আঙ্ পদটি অভিব্যাপ্তি অর্থে—চূড়াপর্যন্তকে অভিব্যাপন করিয়া গ্রহণ করিয়া দত্তকত্বসাধক সংস্কারগুলি—এইরূপ অর্থ। পিতুঃ গোত্রেণ অর্থাৎ তাদৃশ সংস্কারগুলি যদি জনকের গোত্রোল্লেখ পূর্বক সম্পাদন করা হয় তাদৃশ সংস্কৃত শিশু (দত্তক কার্যের পরও) দত্তক সংজ্ঞা লাভ করে না। অন্যতঃ অর্থাৎ অন্য হইতে বা দত্তক গ্রাহকের গোত্রের উল্লেখ পূর্বক যে পুত্র চূড়াকরণ হইতে শেষ পর্যন্ত সংস্কৃত হয় সে দত্তক নাম পায়।

57. मूलम्

(30A) तथा संस्कृतो भवति स दत्तकतामाप्नोति। पृथिवीपते इति त्र्यम्बकावतारस्य श्रीचन्द्रशेखरनृपस्य सम्बोधनम्। तथा च नामकरणादिसंस्काराणां चूड़ायाः पूर्व्वभूतानां यदि केचिज्जनकेन कृतास्तदितरेऽपि गृहीत्रा (ग्रहीत्रा) करणीयाश्चूड़ायास्तेन करणे तु न दत्तकसिद्धिरिति। अतः षण्मासन्यून-वयस्कवालग्रहणेऽपिस्वगोत्रेण नामकरणादि संस्काराचरणम्। यदि तु महाव्याहृति होमाद्यङ्गकग्रहणेन गोत्रापहारोजातस्तदानीं चूड़ा न कृता तत्र साग्निनापि पञ्चवर्षानन्तरं चूड़ादिकं करणीयमौरस्यञ्च (मौरसञ्च)। संस्कारा अतिपत्येरन्। स्वकालाच्चेत् कथञ्चन। हुत्वैतदेव कर्त्तव्या ये तूपनयनादध[65a] इति वचनात् महाव्याहृतिहोमप्रायश्चित्तं कृत्वा करणीया इति।। अथ पत्यनुमत्या पञ्चवर्षीयाभ्यन्तरमकृतचूड़ं तदधिकवयस्कं वा ज्येष्ठेतरं पुत्रं माता पितृभ्यां, केवल पित्रा, पत्यनुमत्या स्त्रिया, पित्रभावे केवलमात्रापि (।) दत्तं बालं ग्रहीष्यन्ती राजनि निवेद्य शुभदिनवारनक्षत्रे (।) कालाशुद्धावपि निवेशनस्य मध्ये वन्धूनाहूय महाव्याहृति होमार्थमृत्विजं वृणुयात्। तेन च यथाविधि वरदनामानमग्निं संस्थाप्य—

दीप्तिः

(30a) प्रागुक्तवचने पृथिवीपतिपदेन चन्द्रशेखराह्वयस्य कस्यचन नृपतेः सम्वोधनम् कालिकापुराणीय 49-50 अध्यायेषु भगवतः शिवभट्टारकस्य चन्द्रशेखरनृपरूपेण, मातुः पार्वत्याश्च ककुत्स्थतनयातारावतीरूपेण आविर्भावः वर्णितः। ताभ्यां कपिमुखयोः वेतालभैरवयोर्जन्माभूत्। तौ च वस्तुत नन्दिभृङ्गिनामानौ शिवानुचरौ। त्रिसृभ्यः मातृभ्यः जननात् चन्द्रशेखरस्य त्र्यम्बक इति नाम एवं पौराणिकीवार्त्ता। एवं तिसृणामम्बानां गर्भे जातो यतो हरः। अतस्त्र्यम्बकनामाभूत् प्रथितो लोकवेदयोः।। —इति कालिकापुराणे। चूड़ापूर्वभूताः जातकर्मादिसंस्काराः जनकगोत्रोल्लेखपूर्वकं जनकेन विधेयः। तदूर्ध्वं ग्रहीतृगोत्रेण ग्रहीत्रा विधेयाः। तदनु पत्यनुमत्या स्त्रिया अथवा पुरूषेण दत्तको ग्राह्यः। तस्य परिपाटी वर्ण्यते शुभदिनवारनक्षत्रे-अमृतयोग महेन्द्रयोगादिविरहिते कालेऽपि-इत्यादि औरसं च कुर्यात् इति वाक्यशेषः।

(30a) The term *pṛthivīpati* in the vocative case refers to king Candraśekhara—an incarnation of lord Śiva possessed

65a. रघुनन्दनीय मलमासतत्त्वधृतं छन्दोगपरिशिष्टवचनम् (कालातीतेऽपि सन्ध्याविधान प्रसङ्गे)।

of three eyes (as found in the Kālikāpurāṇa). If some of the sacraments prior to the *cūḍākaraṇa* are performed by the father of the child, the rest are to be done by the adoptive father. If however, *cūḍākaraṇa* also is done by the father then the boy does not become the adopted son *(de jure)*. Therefore, even for adopting a child of less than six month age it is proper to perform the saraments by refering to the gotra of the adoptive father.

If however the change of *gotra*-name is done by performance of the *mahāvyāhṛti homa* etc. as part of the procedure of adoption and *cūḍākarṇa* is not performed by that time then even by a *sāgnika* after five years of age (of the child) *cūḍākaraṇa* and other sacraments are to be performed and this child is to be taken as own son.

By the statement—"if the sacraments any how lapse from their appointed time, after doing the very same *(mahāvyahṛti homa)* the other (subsequent) sacraments upto (below the) *upanayana* are to be performed" performing the expiatory ceremony *(homa)* according to the *mahāvyāhṛti homa* these are to be done. Now, when a lady is about to adopt a child, on the permission of the husband, a child of five years whose *cūḍākaraṇa* (or tonsure) has not been done, or a child aged more (and) other than the eldest son (of the parents offered in adoption) by both the parents, or by only the father or by the lady (ie. the mother) on the permission of her husband, or in the absence of the father even by the mother only, she will employ the priests (for the work), after apprising the king (of the event going to take place), is an auspicious day having auspicious astral conjunction, even in times other than the propitious moments (like *amṛtayoga, mahendrayoga* etc.), inside the house shall summon the relatives *(pitṛobandhu, mātṛbandhu, ātmabandhu)*. the priest (on his part) shall (kindle and) place the sacrificial fire named, *varada*—

(30a) পৃথিবীপতে—এই পদের দ্বারা শিবের অবতার (কালিকা পুরাণ বর্ণিত) শ্রীচন্দ্রশেখর নৃপতিকে সম্বোধন করা হইয়াছে। যদি চূড়াকরণের পূর্ববর্ত্তী জাতকর্ম প্রভৃতি কোনও কোনও সংস্কার. কোনও শিশুর জনক (নিজ গোত্রোল্লেখ পূর্বক) করিয়া দেয় তবে তাহা ব্যতীত অবশিষ্টগুলি দত্তক গ্রাহক করিবে। যদি জনক

চূড়াকরণটিও করিয়া দেয় তবে শিশুর দত্তকত্বসিদ্ধ হয় না। তাই ছয়মাসের কম বয়স্ক শিশুগ্রহণ কালেও দত্তকগ্রাহকের নিজগোত্রের নামোল্লেখ পূর্বক নামকরণাদি সংস্কার বিধেয়।

যদি মহাব্যাহৃতি হোম প্রভৃতি অঙ্গ কর্ম সাধন করিয়া দত্তক গ্রহণের দ্বারা শিশুর গোত্র পরিবর্ত্তন করা হয় এবং তখন পর্যন্ত চূড়াকরণ অসম্পাদিত থাকে সেক্ষেত্রে সাগ্নিকেরাও পঞ্চবর্ষের পর শিশুর চূড়াকরণ করিবে ও তাহাকে আপন পুত্রবৎ গ্রহণ করিবে।

নিজ কর্মোচিত কাল হইতে সংস্কার যদি ভ্রষ্ট হয় (অর্থাৎ কালাতিপাত হইলে) তখন এই মহাব্যাহৃতি নামক (প্রায়শ্চিত্ত) হোম করিয়া সেই সমস্ত উপনয়ন পূর্ববর্ত্তী (? উপনয়নাদধঃ) সংস্কার করিবে—এই বচনানুযায়ী মহাব্যাহৃতি হোমের দ্বারা প্রায়শ্চিত্ত করিয়া তাহা করিবে। যদি স্বামীর অনুমতি পাইয়া কোনও স্ত্রী পঞ্চবর্ষের মধ্যে অকৃতচূড় কোনও বালককে অথবা তাহার অপেক্ষাও অধিক বয়স্ককে, (স্বপিতার) জ্যেষ্ঠ ভিন্ন অন্য পুত্রকে, মাতা ও পিতা উভয়ের দ্বারা প্রদত্ত, অথবা কেবল পিতার দ্বারা প্রদত্ত, অথবা স্বামীর অনুমতিতে স্ত্রীর দ্বারা প্রদত্ত অথবা পিতার অভাবে কেবল মাতার দ্বারা প্রদত্ত অবস্থায় (দত্তকরূপে) গ্রহণ করিতে যায় (তখন সেই স্ত্রীলোক) রাজাকে (সকল বৃত্তান্ত) জানাইয়া, শুভদিনে শুভবারে শুভনক্ষত্রে, কালাশুদ্ধি থাকিলেও (অর্থাৎ অমৃতযোগাদি না থাকিলেও) গৃহমধ্যে বন্ধু বা আত্মীয়দের (পিতৃবন্ধু, মাতৃবন্ধু, আত্মবন্ধুদের) (আহ্বান করিয়া), মহাব্যাহৃতি হোমের জন্য ঋত্বিক্ বরণ (অর্থাৎ নিয়োগ) করিবে। ঋত্বিক্ও যথাবিধি বরদনামক অগ্নি প্রজ্বালন করিয়া— (তাহাতে)

58. मूलम्

(30B) महाव्याहृति होमे कृते तदग्निसन्निधौ मुख्यचान्द्रेण ग्रहणसंकल्पं कुर्यात्। अद्य इत्यादि अमुकगोत्रा श्री अमुकी अमुकगोत्रस्य पत्युरमुकस्यौरसपुत्र-प्रतिनिधित्वेनामुकगोत्रममुकप्रवरममुकं बालं दत्तकपुत्रत्वेनाहं ग्रहीष्यामीति। ततश्च दातुः समक्षं (गत्वा)[66] पुत्रं मे देहीति प्रार्थयेत्। ददानीत्युक्त्वा च अमुकगोत्रममुकप्रवरं मत्पुत्रममुकं दत्तकपुत्रकरणाय तुभ्यमहं सम्प्रददे इति ग्रहीतुः हस्ते पुत्रं दत्त्वा कृताञ्जलिः "मद्वीर्यसम्भवं पुत्रं तव सन्तानहेतवे।

66. अयं कोष्ठकान्तर्गतः शब्दः अधिकोपि fol 216. पृष्ठयां प्रदत्तस्य पाठस्य अनुरूपो भवेत्-इति चिन्तयन् समावेशितः।

ददानि प्रतिगृह्णीष्व स्वगोत्रेण समं नय'' इति पठेत्। ततो गृहीता (-ग्रहीता) कृताञ्जलिः, पुत्रं सम्बोध्य ओं धर्म्माय त्वा प्रतिगृह्णामि, ओं सन्तत्यै त्वा प्रतिगृह्णामि--

दीप्तिः

(30b) सन्तत्यै अर्थात् वंशस्य अविच्छेदाय, यथा तन्तुश्छिन्नो न भवेत् इति।

(30b) and perform the mahāvyāhṛti homa in that (and there after) near that fire should take (better administer) the Saṅkalpa-vākya according to the main lunar month (from *śuklā pratipat* to *amāvāsyā)* thus : "To-day at such and such date (acc. to main lunar calendar), I, of such gotra, Sm. so and so shall take in adoption the child Shriman.... of so and so gotra, so and so pravara, as the adopted son—a substitute/ surrogate/deputy of the natural son of my husband Shri xyz of so and so *gotra*, so and so *pravara*." After that she shall go in front of the donor and beg of him/her with the words "Give me the son". "Here I give" with this word and with I give unto you my son....Shri.... of so and so gotra, so and so pravara, for being adopted as a son" these words handing over the child to the hand of the donee (here the adoptive mother) shall recite with folded palms: "the son born of my vital parts. I give unto you for acceptence as your son, accept him and include him into your gotra (with equal right)." Then the donee with folded hand shall recite, addressing the child, "I receive thee for Dharma, I receive thee for continuity of the family and then holding the hand of the child shall recite the—

(30b) মহাব্যাহৃতি হোম সম্পাদন করিয়া সেই অগ্নির নিকট মুখ্যচান্দ্রমাস (শুক্লাপ্রতিপৎ হইতে অমাবস্যা) এর তিথি উল্লেখ করিয়া দত্তক গ্রহণের সংকল্প বাক্য পাঠ করিবেন (করাইবেন)। যথা অদ্য অমুক মাসে অমুকপক্ষে অমুক তিথিতে অমুক গোত্রা আমি শ্রীমতী অমুকী অমুক গোত্র আমার স্বামী অমুকের ঔরস পুত্রের প্রতিনিধিরূপে অমুক গোত্রের, অমুক প্রবরের অমুক বালককে দত্তকপুত্ররূপে গ্রহণ করিতেছি। তাহার পর পুত্রদাতার সম্মুখে যাইয়া 'আমাকে পুত্র দিন' এই যাচ্ঞা করিবেন। তখন দাতা "দিলাম" এই বলিয়া (পরে) অমুক গোত্র অমুক প্রবর আমার

পুত্র অমুককে দত্তক পুত্র করিবার জন্য আপনার নিকট সম্প্রদান করিতেছি এই বলিয়া দত্তক গ্রাহিকার হস্তে পুত্রকে দান করিয়া অঞ্জলিবদ্ধ হস্তে বলিবেন আমার বীর্য সম্ভূত এই পুত্রকে আপনার সন্তানহেতু (বংশরক্ষার জন্য) দিতেছি। তাহাকে গ্রহন করুন ও নিজ গোত্রের সহিত এক করিয়া লউন।

তখন গ্রহীতা অঞ্জলিবদ্ধ করিয়া—পুত্রকে লইয়া তাহাকে সম্বোধন করিয়া বলিবেন-ওঁ ধর্মের জন্য তোমাকে গ্রহণ করিতেছি, সন্ততির জন্য তোমাকে গ্রহণ করিতেছি বলিয়া শিশুর হস্ত দুইটি ধরিয়া কামস্তুতি পাঠ করিবেন।

59. मूलम्

(31A) इति हस्तौ गृहीत्वा कामस्तुतिं[67] पठेत् ॥ स्वकर्त्तृकग्रहणे तु सर्वत्र यथायथमूह्यम्[68] इति संक्षेपः॥ अत्र कालाशुद्धिर्नप्रतिबन्धिका, पुत्रलाभस्यासार्वदिकत्वेन निरवकाशत्वादसुतगृहस्थस्य तत्करणावश्यकत्वाच्चेति॥ अथात्र "मातापिता वा दद्यातां यमद्भिः पुत्रमापदि" इति मनु (9.168 ab)वचने आपदीत्यत्र ग्रहीतुः पुत्राभावरूपायामापदि न तु भयादिनेति व्याख्यातम्। प्राप्तिस्तत्र भयेन न, लोभेन तेन धनग्रहणेन दत्वा (दत्तो) ग्रहीत्रा च क्रीतो बालो दत्तको न भवति स तु क्रीत एव भवति। दद्यान्माता पिता वा यं स पुत्रो दत्तको भवेत्। क्रीतस्तु ताभ्यां विक्रीतः कृत्रिमः स्यात् स्वयं कृतः (याज्ञवल्क्य II. 133 ab, 134 ab)॥ इत्यत्र चोदनोपादानात्। पारितो--

67. कामस्तुतिः —कोऽदात् कस्मा अदात् कामोऽदात् कामायादात् कामो।
दाता कामः प्रतिग्रहीता कामैतत्ते॥-- शुक्लयजुर्वेद 7.48
प्रतिग्रहदोषापनुत्तये प्रतिग्रहीत्रा पाठ्योऽयं कामस्य स्तुतिरूपोमन्त्रः यजुर्वेदे वर्त्तते। एतन्मन्त्रस्य महीधरकृतं व्याख्यानं टीकायां प्रदत्तम्॥
68. तत्रैकं सूत्रं मीमांसादर्शने वर्त्तते 'ऊह' इति (मीमांसासूत्रम् I.2.52)ऋग्भाष्यभूमिकायां मन्त्राणां विवक्षितार्थ साधनाय सायणाचार्येण सूत्रस्यास्य उद्धरणात् परं कथितम्- "प्रकृतावाम्नातस्य मन्त्रस्य विकृतौ समवेतार्थत्वाय तदुचित पदान्तरप्रक्षेपेण पाठ ऊहः"। तद् यथा- अन्येनं माता मन्यतामनुपिता नु भ्राता इति प्राकृतपशुविषयकयागसम्बन्धी मन्त्रपाठः मैत्रायणीसंहितायां दृश्यते। तस्य च विकृतौ पशुद्वये सति नन्वेनौ माता मन्यतामित्युहः। कुत्रचित् पुनराम् ऊहो न प्रचलति तद्यथा ब्राह्मणवाक्यम्--- न माता वर्धते न पिता-- (तैत्तिरीय ब्राह्मणम्- 3.6.6.1) । विस्तरस्तु ऋग्भाष्यभूमिका (सं Dr. P. Shastri, Sanskrit Sahitya Parishat, Calcutta-1925) 21,पृष्ठायां द्रष्टव्यः।

दीप्तिः

(31a) कामस्तुतिरिति। प्रतिग्रहजनितदोषापनुत्तये प्रतिग्रहीत्रा पाठ्यः कामस्य स्तुतिरूपो मन्त्रविशेषः स च यजुर्वेदे (7.48)कोऽदात् कस्मा अदात् इत्यादिना आम्नातः। महीधराचार्यकृते वेददीपे शुक्लयजुर्वेदभाष्ये अस्य मन्त्रस्य प्रतिग्रहदोषाभावज्ञापकत्वम् एवं व्याख्यातम्। यथा- दातुर्दानाभिमानाभावाय स्वस्य प्रतिग्रहदोषाभावाय च देहेन्द्रियात्मसंघाते कामं विविनक्ति कोऽदादिति। कोनरोऽदात्। दत्तवान् कस्मै नरायादात्। प्रश्नद्वयस्य उत्तरमाह। कामोऽदात् कामायैवादात्। न त्वं दाता नाहं प्रतिग्रहीता तत्कामाभिमानी देवो यत्कामाभिमानिने अदात्। एवञ्च काम एव दाता काम एव प्रतिग्रहीता नान्यः। हे काम, एतद्द्रव्यं तव। दातृप्रतिग्रहीतृत्वात्॥ इति ॥

कालाशुद्धिरिति। सावकाशनिरवकाशयोः निरवकाशस्य वलीयस्त्वेन अत्र निरवकाशे दत्तकग्रहणविधौ कालाशुद्धिर्न प्रतिबन्धिका। यत्तु मनुवचने आपदि पुत्रं दद्यात् इति तत्र दुर्भिक्षादिरूपायाम् आपदि ग्रहीतुर्वा पुत्राभावरूपायाम् इति। भयेन धनलोभेन वैतत् कर्म न विधेयम्। तत्र प्रमाणं याज्ञवल्क्यवचनम्।

(31a) When the adoptive father himself performs the ritual the procedure everywhere is to be changed *mutatis mutandis*. This, in short, is the description of the ceremony of adoption.

In this matter lack of auspicious time causes no hindrance, because getting a son (in this process) does not take place every now and then and because it is the imperative duty of the sonless householder to have a son (by this process), observance of the above procedure does not brook any delay (it can be done even in not so auspicious time). "When the mother or the father gives away (ritually), taking water (in hand), in times of danger".....in this statement of Manu (9.168ab) the word āpadi (in danger) has been explained as "danger in the form of sonlessness of the donee". The son is not received (or given) there out of fear. Where, however, out of freed or by receiving wealth the child is given or purchased by the donee/receiver, such child does not become an adopted son *(dattaka)*, he becomes *krīta* (purchased) son. Whom the mother or the father gives away—such one becomes a dattaka son. *Krīta* is one who is sold by them and *kṛtrima* son is he who makes himself available as son (Yaj II. 133ab, 134ab). In such cases gift has behind it some incentive (hence no adoption)

(31a) দত্তকগ্রহীতা নিজেই যখন দত্তক কর্মকাণ্ড সম্পাদন করেন তখন মন্ত্র ও প্রক্রিয়ার সর্বত্র যথাযথ উহ্ বা প্রসঙ্গানুযায়ী সমুচিত পদ প্রক্ষেপের দ্বারা পরিবর্ত্তন করণীয়। ইহাই সংক্ষেপে দত্তক গ্রহণ প্রক্রিয়া এ বিষয়ে কালাশুদ্ধি কোনও ব্যাঘাত করে না। কারণ দত্তকপুত্র লাভ সর্বদা (যখন ইচ্ছা তখন) করা যায় না বলিয়া তাহার অবকাশ বা বিরাম নাই (উপযুক্ত শুদ্ধ কালে করা হইবে এইরূপ নিয়ম নাই)—তাহা অবশ্য করণীয় এবং পুত্রহীন গৃহস্থের তাহা অবশ্য বিধেয়।

"মাতা বা পিতা যাহাকে হস্তে জল গ্রহণ করিয়া (সংকল্পপূর্বক) আপৎকালে দান করেন" ইত্যাদি মনু বচনে—আপদি (আপৎ কালে) শব্দের অর্থ গ্রহীতার পুত্রাভাবরূপ আপদে। ভীত (লুব্ধ) প্রভৃতি হইয়া এইরূপ অর্থ নয়। এইভাবে ব্যাখ্যা করা হইয়াছে। লোভে, ধনগ্রহণের পরে প্রদত্ত ও গ্রহীতার দ্বারা ক্রীত শিশু দত্তক পুত্র হয় না- সে ক্রীত পুত্র হয় (কারণ যাজ্ঞবল্ক্য II. 133ab, 134ab বলিয়াছেন) পিতা বা মাতা যাহাকে দান করেন সে দত্তক পুত্র, তাহাদের দ্বারা বিক্রীত হইলে ক্রীত পুত্র এবং যে নিজ হইতে পুত্রত্ব স্বীকার করে সে কৃত্রিম পুত্র (বা স্বয়ংদত্ত/স্বয়ংকৃত)—এই বচনে চোদন বা প্রেরণার কথা বলা হইয়াছে বলিয়া

60. मूलम्

(31B) (पारितो) षिकवस्त्रालङ्कारादिकन्तु न दोषाय। मूल्येन क्रीतस्य क्रीताया वा न सन्तानत्वारोपकारकत्वम्। मनु (3.51) न कन्यायाः पिता विद्वान् गृह्णीयाच्छुल्कमण्वपि गृह्णन् हि शुल्कं लोभे स्यान्नरोऽपत्यविक्रयी इत्यत्रापत्येन विक्रयो निषिद्धः। विद्वान् तद्विक्रये दोषं जानन् विक्रेता यतोऽपत्यविक्रयी भवति अतः स्वल्पमपि न ग्राह्यं बन्धुभिरिति। कालिकापुराणे क्रीताया वनितामूल्यैः सा दासीति निगद्यते। तस्यां यो जायते पुत्रो दासः पुत्रस्तु स स्मृत इति (कालिकापुराण 88.44 ed - 45ab)।।[70] तद्विवाहस्यासुरत्वाच्चेति तत्र विशेषयति मनुरेव (III. 54) यासामाद[69]दते [यासां नार्ददते] शुल्कं ज्ञातयो न स विक्रयः

69. मुद्रितमनुसंहितायां तु "नाददते" इति नञ् मुलकः पाठो दृश्यते। यथा—यासां नाददते शुल्कं ज्ञातयो न स विक्रयः। अर्हणं तत् कुमारीणामानृशंस्यञ्च केवलम्। मनु 3.54॥ पाण्डुलिप्यां पुनः आददते इति पठितस्तेन अर्थे महान् प्रभेदः सञ्जायते।

70. आसुरविवाहो मनुसंहितायां यथा—
ज्ञातिभ्योद्रविणं दत्त्वा कन्यायै चैव शक्तितः। कन्याप्रदानं स्वाच्छन्द्यादासुरो धर्म उच्यते॥ (मनु 3.31.) एवमन्यत्रापि धर्मशास्त्रेषु। कन्यायाः आप्रदानमानयनम् आसुरोविवाहः इति मेधातिथिः। आप्रदानमानयनम् स्वीकारः इति कुल्लूकभट्टः।

इत्यनेन कुलचारादितः स्त्रीप्रीत्या वा कुमार्यै वरेण तत् पित्रादिभिर्वा दत्तं (तस्या) पित्रादिभिर्मूल्यवुद्ध्या न गृहीतं तन्मूल्यं न भवति किन्तु पुजार्थमेव तदिति। याज्ञ–

दीप्ति

(31b) विवाहकाले पारितोषिकरूपेण वस्त्रालङ्कारादिदाने ग्रहणे वा न दोषः। प्रसङ्गतः विवाहकाले कन्यायाः पिता शुल्कं न गृह्णीयादिति विशदयति मनुवचनेन। कालिकापुराणवचनेऽपि शुल्कनिर्यातनेन गृहीता या वनिता सा दासीभवतीति।

(31b) If garments and ornaments (and knick knacks) are given as presentations (like bridal shower, nuptial shower), there is no harm. If the boy or the girl be procured by payment, no special feature of a son (or a daughter) can be attributed to him (or her), for Manu has prohibited the sale of child in (the verse 3.51) "knowing the demerits of exacting bridal fee, father of a daughter shall not accept even the slightest bridal fee, while accepting that fee out of greed a man becomes vendor of own progeny.

Vidvān (in the above verse) means knowing ie. knowing the demerits of selling that (ie. the child)—since the seller becomes the seller of child, the *bandhus* ie. the relatives (of the bride) shall not accept even a small thing (as bridal fee).

In the *Kālikāpurāṇa* (we have) the female procured by payment of price for wife is called *dāsī* (female slave) and the son born in her is also considered a *dāsa* (slave) because such marriage is considered as *Āsura* form of marriage.

In the same context Manu elucidates (3.54)—where the kinsmen do not retain (for themselves) the bridal fee (but gives it away to the bride herself) there is no (question of) sale (of bride). By this and by family custom etc. or out of affection for wife where the fee is not retained by the father (of the bride) and others considering this as the price of the wife—the latter does not become the price but is considered as (something for) honouring the bride

(31b) পারিতোষিক রূপে বস্ত্র অলংকারাদি দান করিলে কিন্তু তাহা দোষের হইবে না। মূল্য দ্বারা ক্রীত বা ক্রীতা শিশুর উপর সন্তানত্ব আরোপ করা যায় না।

মনু (৩.৫১) "শুল্ক গ্রহণের দোষ জ্ঞাতা কন্যার পিতা কন্যাদাননিমিত্ত অণুপরিমাণ শুল্কও গ্রহণ করিবেন না। যেহেতু লোভবশত শুল্ক গ্রহণ করিলে অপত্য বিক্রয়কারী (বলিয়া পাপী) হইতে হয়—" এই স্থলে অপত্য বিক্রয় নিষিদ্ধ করিয়াছেন। শ্লোকের বিদ্বান্ শব্দের অর্থ অপত্য বিক্রয় জাতদোষকে জানেন যে বিক্রেতা যেহেতু অপত্য বিক্রয়কারী হন অতএব অল্প পরিমাণ শুল্কও বন্ধুগণ গ্রহণ করিবেন না।

কালিকাপুরাণে—বনিতার মূল্য দিয়া যাহাকে ক্রয় করা হয় সে স্ত্রীকে দাসী বলে, তাহাতে যে পুত্র হয় সেই পুত্রকে দাস এমন পুত্র বলা হয়—তাদৃশ বিবাহকে আসুর বিবাহও বলা হয় বলিয়া। (এ বিষয়ে) মনু বিশেষ করিয়া বলেন—(৩.৫৪) বরপক্ষীয়গণ প্রীতিপূর্বক যে ধন কন্যাকে দান করেন, সেই ধন কন্যার পিতা প্রভৃতি আপনজনেরা গ্রহণ না করিয়া যদি কন্যাকেই তাহা দান করেন তবে (সেক্ষেত্রে) বিক্রয় বলা হয় না যেহেতু তাহা কুমারীদের প্রতি, ঐধন, কৃপা প্রযুক্ত পূজোপহারমাত্র—(কুল্লূকটীকানুযায়ী বঙ্গানুবাদ)—ইত্যাদি বচনানুযায়ী কুলাচার প্রভৃতি কারণে অথবা স্ত্রীর প্রতি প্রীতি বশত: —কন্যার প্রতি বরের দ্বারা অথবা তাহার পিতা প্রভৃতির দ্বারা যাহা উপহার প্রদান করা হইয়াছে, কন্যার পিতা প্রভৃতি তাহাকে কন্যাশুল্ক ভাবিয়া তাহা গ্রহণ না করেন তবে সেই উপহার কন্যা মূল্য হয় না, কিন্তু কন্যার প্রতি পূজোপহার মাত্রই হয়।

61. मूलम्

(32A) (याज्ञ)वल्क्येनापि "नास्तिक्यं व्रतलोपश्च सुतानाञ्चैव विक्रय":[71] (yāg. III. 236ed)इत्यत्र निन्दितकर्म्मसु (सु) तत्वेन विक्रयो निषिद्धः। अत्र सुता च सुतश्चेत्यैकशेषः। तथात्रापि पारितोषिकमिति। ननु सामान्यं पुत्रदाराधि(दि)[71a] सर्व्वस्वन्यामयाचितम्। प्रतिश्रुतं तथान्यस्मै न देयं त्वष्टधास्मृतमिति बृहस्पतिना (वृहस्पतिस्मृति reconstracted, अदेयदेयदत्तानि Section, 14.2) पुत्रदानं निषिद्धम्। तत् कथं दत्तकार्थपुत्राय तद्दानं सङ्गच्छते, उच्यते। विक्रयश्चैव दानञ्च न देयाः सुरनिच्छवः। दाराः पुत्राश्च सर्व्वस्वमात्मन्येव तु यो भवेत्। आपत्काले तु कर्त्तव्यं दानं विक्रय एव च। अन्यथा न प्रवर्त्तेत इति

71. For these upapātakas see Manu XI. 60-67 & Yāgñavalkya III. 234-243
71a. Printed Bṛhaspati has आदि for आधि V.L. 71b कात्यायन in दत्तकमीमांसा reads प्रकर्त्तव्यम् for प्रवर्त्तेत।

शास्त्रविनिश्चयः[71b] (कात्यायनस्मृति सारोद्धार V.V. 638-39) इति वचनात् आपदि दानमभ्यनुज्ञातम्। सामान्यतोऽभिधानादत्रापि तदेवाभ्युपेयम्। परमत्र–

दीप्तिः

(32a) याज्ञवल्क्यवचने यत् सुतानाञ्चैव विक्रयः इति दृष्टं तत्र सुतश्च सुताच इति तत् पाणिनि सूत्रेण (I. 2.67 पुमान् स्त्रिया इति) एकशेषवृत्तियोगात् सुतौ इति। तेन तत्र वचने कन्याया अपि ग्रहणम्। वृहस्पतिवचनेनापि पुत्रदानं सुतरां निषिद्धम् तर्हि कथं तत् सङ्गच्छते ? तत्रोत्तरं वक्ष्यति नेति।

(32a) Yājñavalkya also (in III. 236ed) enumerating in the list of prohibited works (causing *Upa-pātaka*) like *nāstikya* (atheism) cessation of observance of vows, sale of sons and daughters—has prohibited the sale of son and daughter. Here two words *suta* (=son, masculine) and *sutā* (=daughter, feminine) merge in Ekaśeṣa-vṛtti (cf. Pāṇini, I. 2.67 and give the form '*sutau*'). Here also *pāritoṣika* (ie. satisfaction causing presentation (ie. nothing is to be received as presentation/ gift by selling a son or daughter). Bṛhaspati (Smṛti Reconstructed, 14.2) has named eight items which are not to be parted with (by means of gulf and they are :) *common property, son, wife,* etc. pledge, whole of *one's own property, mortgaged goods, things sought* by others (or acquired by begging) and things promised to others and thereby has prohibited the gift of son. How, can then the act of gift of a son for adoption to a sonless man be justified? (the reply is as follows): The sale or gift of wife, of own son or entire property should not be done reluctantly (unwillingly), however, in exigency gift or sale (of these) may be done. Otherwise the gift or sale of these should not be resorted to—this is the decision of the scriptures (as found in katayana). By such decision in times of emergency the gift (of son) is allowed. From this general statement the same step may be followed in the relevant issue also. But here—

71b. printed कात्यायन स्मृति सारोद्धार has विक्रयं चैव दानञ्चःन देयास्युरनिच्छवः, दाराः पुत्राश्च सर्वस्वमात्मनैव तु योजयेत्। आपत्काले तु कर्त्तव्यं दानं विक्रय एव वा। अन्यथा न प्रवर्त्तेत इति शास्त्रविनिश्चय॥ V.V. 638-639.

(32a) যাজ্ঞবল্ক্যও (III. 236 cd) নাস্তিক্য (অর্থাৎ বেদ নিন্দা, ঈশ্বর-পরলোক নাস্তিত্ব প্রচার) ব্রতলোপ বিধান, ও পুত্রকন্যা বিক্রয় ইত্যাদি নিন্দিত কর্মের (বা উপপাতকের) মধ্যে পরিগণনা করিয়া তাহাতে পুত্র কন্যার বিক্রয় নিষিদ্ধ করিয়াছেন। এখানে সুত ও সুতা এই দুই পদের একশেষ বৃত্তি সেখানেও পারিতোষিক (গ্রাহ্য নয়)।।

বৃহস্পতি-অদেয় (দানযোগ্য নয়) এমন আট প্রকার বস্তুর নাম করিয়াছেন যথা সামান্য (সর্বসাধারণের বস্তু), পুত্র, স্ত্রী আদি, সর্বস্ব, ন্যায়, যাচিত ও অন্যের নিকট দিব বলিয়া প্রতিশ্রুত এমন বস্তু। ইহাতে তিনি পুত্রদান নিষিদ্ধ করিয়াছেন। তাই অপুত্রক ব্যক্তির নিকটে দত্তককরণের জন্য পুত্রদান কতদূর সঙ্গত? উত্তরে বলা হইতেছে—বিক্রয় ও দান অনিচ্ছায় করা যাইবে না, (বিশেষত:) পত্নী, সর্বস্ব ও আত্মজ পুত্র। আপৎকালে কিন্তু দানও বিক্রয় করা যায়। অন্য সময়ে এই সবের দান ও বিক্রয়ে প্রবৃত্ত হইবে না ইহাই শাস্ত্র সিদ্ধান্ত (কাত্যায়ন মত)। এই বচন বলে (দত্তক-গ্রাহকের পুত্রাভাবরূপ) বিপদে (পুত্র) দান স্বীকৃত হইয়াছে। সাধারণভাবে কথিত এই বচন হইতে— প্রাসঙ্গিক ক্ষেত্রে তাহাই স্বীকার্য। কিন্তু এখানে—

62. मूलम्

(32B) पुत्रादौ दानपदं गौणं सर्वस्वदानन्तु अनु (दिशति?) न देयमिति प्रपञ्चितं व्यवहारतिलके।। अथ दत्तकस्य प्रतियोग्यनुर्योगतया शौचादि निरूपणम्।। तत्र त्रिरात्रानुवृत्तौ विष्णुः-- अनौरसेषु पुत्रेषु स्वभार्यास्वन्यगासु चेति। तथा परपूर्व्वासु भार्य्यासु पुत्रेषु कृतकेषु च। त्रिरात्रं स्यात्तथाचार्य्यस्वभार्य्या स्वन्यगासु[72] च (cf. विष्णु XXII, 42-43)। तथा ब्रह्मपुराणम्–दत्तकश्च स्वयंदत्तकः (दत्तः) कृत्रिमः क्रीत एव च। अपविद्धाश्च ये पुत्रा भरणीयाः सदैव ते। भिन्नगोत्राः पृथकपिण्डाः पृथग्वंशकराः स्मृताः। जनने मरणे चैव त्र्यहाशौचस्य भागिनः।

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72. अत्र याज्ञवल्क्य (III.25)—अनौरसेषु पुत्रेषु भार्यास्वन्यगतासु च । निवासराजनि प्रेते तदहः शुद्धिकारणम् ॥
उशन (6.30) गृहे मृतासुदत्तासु कन्यकासु त्र्यहं पितुः। परपूर्वासुभार्यासु पुत्रेषु कुलजेषु च ॥ इति
शंखस्मृति (15.13) अनौरसेषु पुत्रेषु भार्यास्वन्यगतासु च । परपूर्वासु च स्त्रीषु त्रिरात्राच्छुद्धिरिष्यते ॥

एतेषु औरसातिरिक्तपुत्रेषु जातेषु मृतेषु च त्रिरात्रम्। तथा औरसं वर्जयित्वा तु सर्व्व वर्णेषु सर्व्वशः। क्षेत्रजादिषु पुत्रेषु जातेषु च मृतेषु च। अशौचं तु त्रिरात्रं स्यात्–

दीप्तिः

(32b) उच्यते दानपदमत्रगौणम्। एतच्चिन्त्यम् कथं गौणम्? दानशब्दस्य मुख्यार्थस्तु स्वस्वत्वध्वंसपुर्वक परस्वत्वोत्पादनरूपः। स च कायेन मनसा वाचा दात्रा एव करणीयः। एतच्च मिताक्षरादितः स्पष्टं ज्ञायते। दाता यदापदि प्रतिकर्त्तुमक्षमः सन् पुत्रं ददाति तदा कायेन वाचा ददत्यपि मानसं क्लेशमनुभवति इति दानशब्दस्य मुख्यार्थस्तत्र न प्रसज्यते। अतस्तत्र दानपदं गौणम्। तार्किकास्तु दानकर्मणः भूमि हिरण्यादिषु अचेतनेषु विषयेषु प्रसक्तिं पश्यन्ति। गवादिषु पुत्रादिषु च चेतनवत्सु प्राणिषु दत्तेषु दत्तानांमानसक्लेशोत्पादात् दानं तत्र गौणम्। यथा नृपराज प्रदत्तानामपि गवां दानात् परमपि पूर्वस्वामिगृहप्रत्यावर्त्तनवार्त्ता पुराणेषु दृश्यते। अतः इयं मे माता, अयं मे पिता इति ज्ञानोदयात् प्रागेव पुत्रदानं करणीयमिति निपुणाः। व्यवहार तिलकनामकस्य भवदेवकृतग्रन्थस्य, यस्य उत्तरभागोऽयं दत्तकतिलकः, तस्य मूलग्रन्थस्य असुलभतया नैष विषयः सर्वस्वदानरूपः सम्यक् चर्चयितुं शक्यते।। अधुना विषयान्तरमाह दत्तकस्य अशौचनिरूपणम्। यस्याभावः स प्रतियोगी। यथा धटाभावप्रतियोगी धठ एव। किञ्च येन सम्बन्धेन कश्चित् कुत्रापि तिष्ठति–स तस्य सम्बन्धस्य प्रतियोगी। दत्तकपुत्रः दत्तकत्वसम्वन्धेन दत्तकग्राहके पितरि युज्यते। अतो दत्तकत्वसम्बन्धस्य प्रतियोगी दत्तकपुत्र एव। संक्षेपेण यस्य सम्बन्धः स प्रतियोगी। किञ्च अभावो यत्र अनुभूयते स एव अनुयोगी। धटाभावस्य भूतलम् अनुयोगि। तेन यस्मिन् सम्बन्धः स अनुयोगी फलतः दत्तकादेर्जनने मरणे वा दत्तकग्राहकपित्रादीनां कीदृशी आशोचव्यवस्था किञ्च दत्तकग्राहकमरणे दत्तकपुत्रस्य कथम् अशौचम् इत्यर्थ एव आयाति। विष्णुस्मृतिब्रह्मपुराणवचनयोः औरसेतरपुत्रेषु जातेषु मृतेषु त्रिरात्रमशौचं प्रतिग्रहीतृकुले। जनककुले तु नाशौचम्। तत्र स्वभार्या अथमन्यथा भवेत् इति चेत् क्षेत्रजपुत्रलाभार्थमन्यस्मै नियुज्यते चेत् सापि अन्यगा भवति। मनूक्त (5/161) अपत्यलोभाद् या स्त्री भर्तारमतिवर्त्तते इत्याद्यपि प्रमाणम्। याज्ञवल्क्योक्तं (III. 25) अनौरसेषु पुत्रेषु इत्यादिवचने प्रतिलोमभिन्नं पतिव्यतिरिक्तं पुरुषम् आश्रित्य वसन्त्याः स्त्रियः मरणे अहोरात्रमशौचम्, न च सपिण्डतानिबन्धनं पूर्णाशौचम् परपूर्वापदेन पूनर्भू-दिधिषु-कुण्ड-गोल-मातुश्च परिग्रहः इत्यपि वक्तुं शक्यते। तत्र विष्णुधर्मसूत्रव्याख्यायां नन्दपण्डितः–परः पूर्वः पतिः पिता च ययोस्तौ भार्यापुत्रौ।

परपूर्वेत्यन्याश्रितायाः स्वभार्याया अप्युपलक्षणम्। अन्याश्रितेषु दारेषु परपत्नीसुतेषु च गोत्रिणः स्नानशुद्धाः स्युस्त्रिरात्रेणैव तत् पिता। इति प्रजापतिस्मरणात्।

(32b) The word *dāna* with reference to the son etc. is to be taken in a secondary sense. While directing (ie. discussing) *sarvasvadāna* (gift of the entire property/possession) it has been clarified in the *Vyavahāratilaka* that it is not to be given.

Now is discussed the impurity of an adopted son when he is considered a *pratiyogin* [something is the *pratiyogin* of the relationship in which it is related to an other. The adopted son is *pratiyogin* of the relation of adoption or *dattakatva sambandha* by which he is related to his adoptive father] or an *anuyogin* or the substratum on which such relationship stands (here, the adoptive father the whole thing comes to mean the impurity to the adopted son or to the adoptive father be on the death of the latter or on that of the former).

On this matter, in the context of impurity for *trirātra* (literally three nights but conventionally three days), *Viṣṇu dharmasūtra* (XXIL. 42-43) has : "Impurity for three days is to be observed on the demise of secondary sons, (own) wife (but) appointed to another (for levirate), wife formerly belonging to another and unnatural sons (like dattaka etc." *Brahmapurāṇa* (has) : (The sons known as) *dattaka, svayanadatta, kṛtima, krīta* and *apaviddha* are to be maintained by all means. They come from different *gotra*, they offer *piṇḍas* to different persons (as the case may be) and they create separate families. For them impurity caused by birth or death has been limited to three days.

In these statements three nights (or three days) impurity is prescribed when sons other than the natural one, are born or expired. Moreover in all castes, excepting the natural son, if other types of sons like *kṣetraja* etc. are born or when they die—the impurity to the father loc of the same caste is surely for three nights *(trirātra)*.

(32b) পুত্রাদি বিষয়ে দান পদটি গৌণ অর্থে ব্যবহৃত। সর্বস্বদানের কথা প্রসঙ্গে 'দেওয়া উচিত নয়', এইরূপ বিশদ করা হইয়াছে ব্যবহার তিলক গ্রন্থে। এখন দত্তকের প্রতিযোগিত্ব ও অনুযোগিত্ব বিচার করিয়া শৌচ প্রভৃতি নিরূপণ করা হইতেছে যাহার সম্বন্ধ সে প্রতিযোগী, যাহাতে সম্বন্ধ সে অনুযোগী—ইহাই সংক্ষেপ টীকাতে বিস্তৃত

দত্তকের মৃত্যুতে তাহার পিত্রাদির ও পিত্রাদির মৃত্যুতে দত্তকের অশৌচের কথা বলা হইতেছে।

এ বিষয়ে ত্রিরাত্র (পরিমিত অশৌচ পালনীয়) এই অনুবৃত্তিতে বিষ্ণুধর্ম সূত্রে (XXII.42-43) –অনৌরস পুত্র, অন্যগামিনী নিজ স্ত্রী, পরপূর্বা ভার্যা ও (দত্তকাদি) কৃত্রিম পুত্রের মরণে ত্রিরাত্র অশৌচ হইবে এবং তাহাই আচার্য ও অন্যান্য ভার্যার মরণে বিহিত অশৌচ ব্রহ্ম পুরাণে—দত্তক, স্বয়ংদত্ত, কৃত্রিম, ক্রীত ও অপবিদ্ধ সংজ্ঞক পুত্রেরা সর্বদা ভরণ পোষণ যোগ্য। তাহারা ভিন্ন গোত্রের, পৃথক্ পিণ্ডের ও পৃথক বংশ সৃষ্টিকারী বলিয়া পরিগণিত। তাহাদের জন্য ত্রিরাত্র জননাশৌচ ও মরণাশৌচ বিহিত। এই বচনগুলিতে ঔরস ভিন্ন অন্য পুত্রদের জন্ম বা মরণ জনিত অশৌচ ত্রিরাত্র।

সকল বর্ণেই ঔরসভিন্ন ক্ষেত্রজাদি পুত্র জন্মাইলে বা মরিলে সবর্ণ দত্তক গ্রাহক পিত্রাদির ও দত্তক পুত্রদের ত্রিরাত্র অশৌচ ইহা নিশ্চিত।

63. मूलम्

(33A) समानामिति निश्चय इति। समानां सवर्णानाम्। तथा हारीतः। सवर्णेष्वौरसेषु पुत्रेषु सवर्णासु परपूर्वासु भार्य्यासु सर्व्ववर्णानां त्र्यहमिति। अत्र भार्य्यापुत्रपदयोः सम्बन्धिपदतया यत् प्रतियोगिकमेव भार्य्यात्वं पुत्रत्वञ्च तस्यैवेदमिति। अतएव क्षेत्रजादिषु एकादशसु पुत्रेषु जातेषु मृतेषु च मातापित्रोस्त्रिरात्रं क्षेत्रजादीनामपि मातापितृमरणे त्रिरात्रं, परपूर्व्वासु भार्य्यासु अन्यगासु अनौरसेषु पुत्रेषु च यत् प्रतियोगिकं भार्य्यात्वं पुत्रत्वञ्च तस्यैव त्र्यहाशौचं नान्येषां, भार्य्यापुत्रपदयोः सम्बन्धित्वादिति[73]–

ननु तर्हि पितापुत्रयोरेवाशौचविधानात् तदन्येषामशौचमेव माभूदिति चेत् पूर्व्वोक्त मनुबौधायन कालिकापुराणादिषु दत्तकस्यापि गोत्रभागित्वेनोक्तेर्बन्धु पदाभि

दीप्तिः

(33a) वहुविधदत्तकग्रन्थान् सङ्कलय्य सम्पादिते दत्तकशिरोमणिग्रन्थे संक्षेपेण इयम् अशौचव्यवस्था प्रतिपादिता। असगोत्रसपिण्डकदत्तकादिमरणे यथासम्भवं जनने

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73. अतएव रुद्रधरः क्षेत्रजादिषु.....सम्बन्धित्यादइत्याह। रुद्रधरस्य नामसन्निवेशनमत्र प्रक्षिप्तम्-अतोऽस्माभिः परित्यक्तम्। आलोचना द्रष्टव्या उपोद्‌घाते– मूलस्य (पृः 13b) टीकापि अत्र द्रष्टव्या।

वा अर्थात् तत्पुत्रस्य जनने परस्परं जनककूलेनाशौचम्। दत्तकमरणे तत् पुत्रपौत्रयोर्वा जनने प्रतिग्रहीतृ तत् पितृपितामहानां त्रिरात्रमशौचम्। तेषां तन्मरणे तत्पुत्रादीनां जनने मरणे वा दत्तकस्य तदेवाशौचं, प्रतिग्रहीतुः प्रपितामहादीनां सकुल्यानां दशमपुरुषपर्यन्तानां एकाहः सोदकसगोत्रयोः स्नानमात्रम्। तेषां मरणे यथासम्भवं जनने च तदेवाशौचम्। प्रतिग्रहीतुः क्रियाकरणे दत्तकस्य दशरात्रमन्यथा त्रिरात्रम्। सपिण्डसगोत्र दत्तकस्थले पूर्ववदशौचव्यवस्था। सामान्येन अयमाशयः दत्तकमीमांसासम्मतः। दत्तकादीनां जननमरणे त्रिपुरूषपिण्डानां त्र्यहाशौचम्, एतच्चासपिण्डदत्तकस्य। ब्रह्मपुराणवचने भिन्नगोत्रा इति, पृथकपिण्डा इत्यादि प्रयोगस्य सार्थक्यात्। तत्राकांङ्क्षानुदयेन सामान्यसापिण्ड्यप्रयुक्तदशाहाशौचाबाधे हेतोरभावात्। दत्तकपुत्रस्य जननादौ तत्स्त्रिया वा मरणे दशाहाशौचमेव, तत्र दत्तकत्वनिबन्धनसा-पिण्ड्याभावादिति दत्तकचन्द्रिका।-- दत्तकस्य पित्रादिमरणे सपिण्डजनने च त्रिरात्राशौचं ब्रह्मपुराणात्। एतत्तु असपिण्डदत्तकविषयं सपिण्डविषये पूर्ववदशौचव्यवस्था इति दत्तकनिर्णये।-- भवदेवीयग्रन्थे दत्तकतिलकेतु दत्तकस्य पुत्रस्य मरणे सपिण्डानां त्रिरात्रं सकुल्यानामशौचाभावः एवं प्रतिग्रहीत्रादि सपिण्डमरणे तत् सुतादेश्च त्रिरात्रं सकुल्यादीनां मरणे अशौचाभावः एवं जनने ज्ञाति पुत्रादीनां सपिण्डजननमरणयोः न त्रिरात्रम् अपितु स्वजात्युक्तमशौचम्, ग्रहीतुः मरणे दत्तकस्य न देहाशुद्धिः किन्तु तत्रापि जनकजनन्योर्मरणे सति सा इति। सपिण्ड सगोत्रसोदकश्चेद्दत्तकस्तदा पूर्वाशौचेन (पूर्णाशौचेन) शुद्धिः असगोत्रोऽसपिण्डश्चेत्तदा पित्रो स्त्रिरात्रमेवाशौचं न दशाहादि। पितृसपिण्डानाम् एकाहः। जनके मृते वैदिक सम्वन्धात् त्रिरात्रमेवाशौचं, ग्रहीतरिमृते दशाहादि एवेति दत्तकदर्पणे। दत्तककौमुदी--न किञ्चिदाह। दत्तकदीधितौ--च--दत्तकपुत्रस्य जननमरणयोः पूर्वापरपित्रोस्त्रिरात्रं सपिण्डानामेकाहः। एतच्चाशौचम् असपिण्डदत्तादीनाम्। सपिण्डदत्तकस्य दशाहादि एवाशौचम्। सकुल्यानामेकाहः, सोदकसगोत्रयोः स्नानमात्रम्। असपिण्डदत्तकस्यमरणे ग्रहीतुस्त्रिरात्रमेवाशौचं, जनकस्य ग्रहीतृसपिण्डानां (च) एकाहः। प्रतिग्रहीतृकुलीनानान्तु स्नानमात्रं सपिण्डदत्तकश्चेत् तदा पूर्ववद्दशाहाशौचमिति दत्तसिद्धान्तमञ्जरीमतम्।--एवं गच्छत्सु कालेषु निबन्धकाराणामपि चिन्तासरणौ महद्वैषम्यं समजनि।

(33a) In the above statements the word '*Samānām*' means 'of persons belonging to the same caste'. Hārīta also says—"In all castes (impurity caused by death) of secondary sons of the same caste, wives of the same caste that were formerly others' spouse (like *punarbhū*, *didhiṣū* etc., is for three days.

In this statement, since the words *bhāryā* and *putra* indicate relations, the impurity clings to those persons only with whom the relation of wife or son stands.

Therefore it has been stated when eleven types of sons as *kṣetraja* etc. are born, or when they die the (secondary) parents are to observe impurity for *'trirātra'* and when such parents die, *kṣetraja* and others will observe impurity for three days. In the case of *'parapūrvā bhāryā'*, *'anyagā bhāryā'* and *'anaurasa* son'—since the words *bhāryā* and *putra* indicate relation—the impurity of three days attacts to persons with whom the relation of wife or son rests and not to others.

In that case, if one objects that since impurity of the father and the son (in the case of adoption) has been enjoined, let other relations be free from this impurity (due to death), the reply is as follows : In the statements of Manu, Baudhāyana, *Kālikāpurāṇa* etc., the dattaka son has also been taken as belonging them gotra (of the adoptive father) and therefore recognised as *bandhus;* hence the cognates *(sapiṇḍas)* also are to observe impurity for three days

(33a) (উক্ত বচনে) 'সমানাম্' পদের অর্থ সবর্ণদের। হারীত বলিয়াছেন— ব্রাহ্মণাদি সকলবর্ণের ক্ষেত্রেই সবর্ণ অনৌরস পুত্রদের, সবর্ণা পরপূর্বা ভার্যাদের (মরণে) ত্র্যহাশৌচ (তিনদিনের অশৌচ)। এই বচনে ভার্যা ও পুত্রপদটি সম্বন্ধ জ্ঞাপক পদ বলিয়া ভার্যাত্ব সম্বন্ধ, পুত্রত্ব সম্বন্ধ যাহার সহিত আছে—সেই ব্যক্তিরই এই অশৌচ। তাই বলা হইয়াছে ক্ষেত্রজ প্রভৃতি একাদশবিধ পুত্র জন্মাইলে অথবা মরিলে (গ্রাহক) মাতা পিতার ত্রিরাত্র অশৌচ ক্ষেত্রজাদিরও (তাদৃশ) মাতাপিতার মরণে ত্রিরাত্র অশৌচ। পরপূর্বা ভার্যা, অন্যগা স্ত্রী, অনৌরস পুত্র এই সকল ক্ষেত্রে ভার্যা ও পুত্র পদটি সম্বন্ধী পদ হওয়ায় যাহার সহিত সম্বন্ধ থাকায় তাহারা স্ত্রী বা পুত্ররূপে গৃহীত—সেই ব্যক্তিরই ত্র্যহাশৌচ হয়, অন্যের নয়।

তাহা হইলে কেবল মাত্র (দত্তকগ্রাহক) পিতা (ও মাতার) ও (দত্তক) পুত্রেরই কেবল মাত্র অশৌচবিহিত হওয়ায় অন্যদের (অর্থাৎ জ্ঞাতিদের) অশৌচ হইবে না এইরূপ বলিলে (উত্তর এইরপ)—পূর্বোক্ত মনু, বৌধায়ন, কালিকাপুরাণ প্রভৃতিতে দত্তক ও গোত্র ভাগী হয় এই বচনবশতঃ তাহারাও বন্ধু পদ বাচ্য হওয়ায় (তাদৃশ) সপিণ্ডদের অশৌচ ত্রিরাত্রই হইবে।

64. मूलम्

(33B) धानाच्च सपिण्डानामशौचं त्रिरात्रमेव भविष्यति। दत्तकस्य पुत्रे जाते दत्तकस्य सम्पूर्णं, पुत्रस्य च तन्मरणे सम्पूर्णमन्येषां पत्नी सपिण्डानाञ्च तथेति सपिण्डत्वात्। केचित्तु स्वगोत्रदत्तके अशौचं पूर्णमाहुस्तदतीव मन्दं वाचनिकेऽर्थे न्यायानवतारात्। अथ पितृमरणे दत्तकस्य सम्वत्सरमौरसवत् न देहाशुद्धिः। देहाशुद्धि प्रयोजकतादृशसम्बन्धाभावात्। सम्बन्धश्च जनकत्वनिबन्धनो धर्म्माधर्म्मयोरेकत्व-निबन्धनदेहैक्यञ्च। तत्राद्यस्त्वौरस पत्नी निष्ठोऽपरश्च वाचनिकः। औरसस्य हि प्रमीतौ पितरौ यस्य देहस्तस्याशुचिर्भवेत्। नापि दैवं न वा पैत्र्यं यावत् पूण न वत्सरः।। तथा—महागुरुनिपाते तु काम्यं किञ्चिन्नचाचरेत्। आत्विर्ज्यं ब्रह्मचर्य्यं च श्राद्धं देवयुतञ्च यत्। तथा अन्यश्राद्धं परान्नञ्चगन्धं माल्यञ्च मैथुनम्।

दीप्तिः

(33b) शास्त्रवचने प्राप्तेऽपि युक्त्या तद्विश्लषणं कृत्वा वचनपालनं कर्त्तव्यम्। उक्तञ्च-केवलं शास्त्रमाश्रित्य न कर्त्तव्यो विनिर्णयः। युक्तिहीनविचारेतु धर्म्महानिः प्रजायते।। इति। अत्र युक्तिर्वा न्यायो वा अयमेव। पूर्णाशौचं हि वैदिक सम्बन्धप्रयुक्तम्। अन्यत्र न तस्यावयवः इति। दत्तकमीमांसाकारस्तु अन्यथा मनुते स्म।

(33b) When the adopted son begets his son, he observes full length impurity (caused by birth, according to his caste) and when he dies his son and the wife (of the deceased) observe full impurity (due to death) and cognates also because of their cognate hood some say that impurity for the complete prescribed period is to be observed when the (adoptive) father and (adopted) son belong to the same gotra. That is very bad for that avoids logic in (interpreting verbal) statements.

Now in the death of the (adoptive) father, the adopted son, like natural son, will not observe impurity of the body for one year. For, in that case the relationship that produces bodily impurity is absent. And that *sambandha* (relationship) is contingent on the relation of the father (and son) and on unity of *dharma* and *adharma* (i.e. *adṛṣṭa*) and the unity of body. The former ie. in the case of natural son it is dependent

upon wife (ie. the mother jointly with whom the son is produced) and the other is verbally made (—'give me my son', 'you are my son' etc). In the case of natural sons (it is said) : whose parents have expired, such persons get their body stained or impure. So long as one full year has not passed (from the time of death of such parents) no work relating to the divinities (ie. rituals), no work relating to the manes (ie. *tarpaṇa, śrāddha* etc.) (is prescribed). And—in the event of death of a *mahāguru* (ie. parents) no *kāmya* work (non-obligatory ritual done for getting a desired result) is to be performed such as priestly duty, the duties of a brahmacarin, *devaśrāddha*, (ordinary) *śrāddha* for others, eating food offered by others, using unguents (or cosmetcs), garlands and sexual activity (all these are prohibited for one year).

(33b) পুত্র জন্মাইলে (যে পিতা হইল এমন) দত্তকপুত্রের সম্পূর্ণ অশৌচ এবং তাহার মরণ হইলে তাহার পুত্রের সম্পূর্ণ অশৌচ। পত্নীর ও সপিণ্ডদেরও তাহাই কারণ তাহারা সপিণ্ড। কেহ কেহ বলেন যে দত্তকপুত্র যদি সমান গোত্র (হইতে গৃহীত) হয় তখনই (মরণনিমিত্তক) পূর্ণাশৌচ পালনীয়। বাচনিক বিষয়ের (ব্যাখ্যার) মধ্যে যুক্তি অবতারণা না করায় তাহা অতিশয় মন্দ।

দত্তক পিতার মরণে দত্তকপুত্রের, ঔরস পুত্রের যেমন বর্ষব্যাপী দেহাশুদ্ধি হয়, তদ্রূপ হয় না। কারণ দেহাশুদ্ধির কারণ যে পিতাপুত্র সম্বন্ধ তাহা দত্তকগ্রাহক ও দত্তকপুত্রের মধ্যে থাকে না। এবং এই সম্বন্ধ হইল পিতৃত্বজনিত, ধর্মাধর্ম বা অদৃষ্টের একতা জনিত ও দেহৈক্য। উভয় প্রকারের মধ্যে প্রথমটি অর্থাৎ ঔরস সম্বন্ধটি পত্নী সংযোগ বশতঃ (ঘটে)। অন্যটি অর্থাৎ দত্তকে যে সম্বন্ধ থাকে তাহা কেবলমাত্র বাচনিক। ঔরস পুত্রের বিষয়ে বলা হইয়াছে—যাহার পিতা-মাতার মৃত্যু হইয়াছে। তাহার দেহ অশুচি হয়। যতদিন না একবৎসর পূর্ণ হয় ততদিন দৈবকর্মে পৈত্র্য কর্মে তাহার অধিকার হয় না। এবং মহাগুরু (পিতা মাতা)র মৃত্যু হইলে যতদিনে এক বৎসর পূর্ণ না হয় ততদিন কোনও কাম্য কর্ম করিবে না (যথা) পৌরোহিত্য ব্রহ্মচারী ধর্ম, শ্রাদ্ধ, দেবশ্রাদ্ধ, অন্যের শ্রাদ্ধ, পরান্নভোজন, চন্দন মাল্যধারণ, স্ত্রীসহবাস—

65. मूलम्

(34A) वर्जयेत् गुरुपातेषु यावत् पुर्णो न वत्सरः। तथा महागुरुनिपाते तु सर्व्वकर्म्माणि वर्जयेत्। विहाय प्रेतकार्यञ्च सन्ध्योपासनमेव च। तथा-पितर्य्युपरधे

पुत्रो मातृश्राद्धान्निवर्त्तते। मातर्य्यपि च वृत्तायां पितृश्राद्दादृते समाम्।। तथा- तीर्थयात्रां विवाहश्च स्वाध्यायश्चान्यतर्पणम्। संवतसरं न कुर्व्वीत महागुरुनिपातने तस्यायमर्थः–पितराविति मातापितरौ, पितरौ, मातरः पितरौ च तौ गर्भजनयित्र्यौ इति शक्तिग्राहककोषोक्त जनयित्री पदेन जनक जनन्योरेव शक्तिग्रहात्– "सकृत्श्रुतो हि शब्दः सकृदर्थं गमयति।" सम्भवति मुख्यत्वे गौणत्वानुपपत्तेः, लक्षणाया वीजाभावाच्च पितृपदं जनकजननीपरम्। न च पितृपदं शाक्तभाक्तोभयपरं युगपत् शक्तिग्रहे मानाभावात्। दैवं पैत्र्यं प्रेतश्राद्ध पितृ–

दीप्तिः

(34a) पितुर्मातुर्वा मरणे वत्सरपर्यन्तं देहाशुद्धिः पालनीया। तत्र मासिकश्राद्धादारभ्य वात्सरिकं सपिण्डीकरणं समाप्य कर्त्ता देहाशुद्धेः मुच्यते। एतन्मध्यवर्त्तिनि काले नैके विषयास्तेषां समाचरणीयास्तेषां सारणी च प्रदत्ता। उद्धृतेषु वचनेषु पितरौ पदस्य योऽर्थः स एव विचार्यते। 'पितामात्रा' (Pā I. 2.70) इति पाणिनीयैकशेषसूत्रेण मातापितरौ, पितरौ, मातरपितरौ इत्याद्यनेकं रूपं सम्भवति। अर्थश्च पिता माता च। कथमेकस्मात् पितृपदात् पितुः मातुश्च ग्रहणं, जाग्रति नियमे सकृदुच्चरितः शब्दः सकृदर्थं गमयति इति नात्र लक्षणावृत्तिः। यत्र तत्र लक्षणा न प्रसज्यते। मुख्यार्थस्य बाधो यत्र भवति तत्रैव तद्युक्तोऽपरः कश्चिदर्थो रुढ़िवशात् प्रयोजनवशाद् वायाति स च लक्षणार्थः। अतः लक्षणा हि अर्पिता शक्तिः। सा च अभिधातो जधन्या वृत्तिः। यत्राभिधेयार्थो युज्यते तत्र लक्षणार्थकल्पनमनुचितम्। किञ्च एकस्मिन्नेव पदे युगपद् अभिधेयार्थ-लक्षणार्थकल्पनमपि न युक्तम्। न चायं जहदजहत् स्वार्थलक्षणाविषयः। शक्तिग्रहश्च वहुभिरुपायैः सम्भवति। उक्तञ्च–शक्तिग्रहं व्याकरणोपमानकोषाप्त वाक्याद्व्यवहारतश्च। वाक्यस्यकोषाद्विवृतेर्वदन्ति सान्निध्यतः सिद्धपदस्य वृद्धाः।। इति।। पितरौ अर्थात् मातापितरौ–तातजनयित्र्यौ। अत्र कोषवाक्यादेव ज्ञायते–यद् जनयित्रीपदेन जनकजनन्योरुभयोरेव ग्रहणम्।।

(34a) Such works are to be avoided in the event of death of the parent/parents for one year (from the day of death). Also—in the death of *mahāguru* (ie. parents) all sorts of (non-obligatory) work are to be avoided excepting the works to be done in connection with the departed (ie. the different *śrāddhas*) and offering daily prayers in time. Also when the father dies the son desists from offering *śrāddha* to the

(departed) mother (during the period of impurity) and when the mother also dies he desists from all works except *śrāddha* to the father for one year. Also, in the event of death of *mahāguru*—pilgrimage, marriage, recital of one own Vedic text branch, offering śrāddha to another should be done for one year. The purport of these as follows : for *pitarau* we have these words—*mātāpitarau, pitarau, mātaraḥ, pitarau*—ie. *tāta janayitrau*. Here according to lexicons giving meaning—janayitrī means both father and mother. (Now) according to the maxims, 'one word (uttered once) heard once is expressive of its meaning once only, where principal meaning is possible secondary sense is not applicable, for lack of the seed of *lakṣaṇā*, the word pitṛ is to be taken principally meaning both the father and the mother. Nor can we say that the word *pitṛ* will have both the primary and secondary meanings simultaneously for want of a supporting evidence.

Daivam and *Paitryam* mean *śrāddhas* other than the *preta śrāddha* and *pitṛ matṛ śrāddha*.

(34a) ইত্যাদি কার্য পিতা মাতার মৃত্যুর একবৎসরের মধ্যে করিবে না। মহাগুরু নিপাতে (অর্থাৎ জনক জননীর মৃত্যুতে) কেবলমাত্র প্রেতকার্য ও সন্ধ্যোপাসনা ব্যতীত সকল প্রকার কর্ম বর্জন করিবে। পুনশ্চ—পিতার মৃত্যু হইলে পুত্র মাতৃশ্রাদ্ধ হইতে বিরত হয় একবৎসরকাল। অনুরূপভাবে মাতার মৃত্যু হইলেও পিতার শ্রাদ্ধ ভিন্ন অন্যকর্ম হইতে বৎসরকাল বিরত থাকে। পুনরায়, তীর্থযাত্রা—বিবাহ, স্বাধ্যায়, অন্যের তর্পণ মহাগুরুর নিপাত হইলে একবৎসর করিবে না। ইহার এই অর্থ—পিতরৌ অর্থাৎ মাতা পিতরৌ বা পিতরৌ, মাতরা পিতরৌ....তাহারা দুইজন হইল জনক ও জননী। অর্থ প্রকাশক কোষগ্রন্থে জনয়িত্রী পদের অর্থ জনকজননী দুই জনকেই বোঝান হওয়ায়, একবার শ্রুত (উচ্চরিত) পদ একবারই অর্থ বুঝাইয়া দেয় মুখ্যার্থ সম্ভব হইলে গৌণার্থ গ্রাহ্য নয় বলিয়া, লক্ষণার বীজের অভাব বশত: (এখানে দোষ অনুযায়ী) পিতৃপদের দ্বারা জনক জননী দুইজনের গ্রহণ। পিতৃপদ এখানে মুখ্যার্থ ও গৌণার্থ যুগপৎ উভয় অর্থে গৃহীত ইহা(ও) বলা যায় না—সাধক প্রমাণ না থাকায়। দৈব ও পৈত্র্য শব্দের অর্থ প্রেতশ্রাদ্ধ, পিতৃমাতৃশ্রাদ্ধাতিরিক্ত অন্য শ্রাদ্ধ—

66. मूलम्

(34B) मातृश्राद्धातिरिक्तम्। महागुरुनिपातेत्विति। त्रयः पुरुषस्याति-गुरवोभवन्तिमाता पिता चाचार्य्यश्चेतिवचनलब्धं (विष्णुधर्मसुत्र, 31.1) महागुरुपदम्। पतिरेको गुरुः स्त्रीणामित्येकपदेन च मुख्योगुरुः पतिरेव लब्धः। तथा धर्म्माधर्म्मयोरेकत्वञ्च "आम्नाये स्मृतितन्त्रे च लोकाचारे च धर्म्मतः[74] । शरीरार्द्धं स्मृता जाया पुण्यापुण्यफले समा।" इति वचनात् न खलु दत्तकस्य महागुरुर्ग्रहीता भवितुमर्हति देहसम्बन्धाभावात् मानाभावाच्च। अतएव जन्महेतु हि पितरौ पूजनीयौ प्रयत्नत इत्यत्र जन्महेतुत्वेनैव पूज्यत्वमुक्तम्। तथा-उत्पादकब्रह्मदात्रोर्गरीयान् ब्रह्मदः पिते[75] त्यत्राप्युत्पादकतयैव गौरवमुक्तं न तु ग्राहकत्वेनेति। न चाचार्य्यस्यातिगुरुत्वेऽपि तन्मरणे देहाशुद्धिर्देहसम्बन्धाभावात्। ननु दत्तायाश्चापि दुहितुर्जननकर्त्तृत्वाविशेषवज्जनकयोर्मरणे देहाशुद्धिरास्ताम्। न खलु कन्याया दानेनैव जनकत्व--

दीप्तिः

(34b) अधुना महागुरुपदस्यव्याख्यानप्रसंगे विष्णुधर्मसूत्रमुद्धृत्य पुरुषाणामति-गुरुनिरूपणं विदधाति। ते च जननी–जनकाचार्याः। स्त्रीजनस्य च मुख्यो गुरुः पतिरेव उद्धृते वचने एकशब्दस्य तादृगर्थकत्वात्। यत्तूक्तं सम्वन्धश्च धर्माधर्मयोरेकत्व निबन्धनः पत्नीनिष्ठ (fol. 33b) इत्यादि तद् द्रढ़यति वृहस्पतिवचनोद्धारेण। पिता चेत् पुरुषस्य महागुरुर्भवेत् तर्हि दत्तकग्राहकोऽपि तस्य महागुरुर्भवतु तेन च तन्मरणे दत्तकस्यापि देहाशुद्धिर्भवतु इति शङ्कां निरस्यति–तत्र देहसम्बन्धाभावात् इत्यादिना। उद्धृतयोः वचनयोः पित्रुल्लेखः जन्मदातृत्वेनैव विहित इति कारणात्। किञ्च प्रसङ्गान्तरम्–आचार्यो महागुरुरिति प्रतिपादितम् अस्तु तर्हि आचार्यस्य मरणे पुरुषस्य साम्बत्सरिकी देहाशुद्धिः। नेति, अत्रापि देहसम्बन्धस्य कारणत्वात्। यथा पुत्रजनने तथा कन्या जननेऽपि जनकजनन्योरेव कर्त्तृत्वम्। किञ्च विवाहकाले कन्यासम्प्रदानेन जनकस्य जनकता न व्यपैति। अतो जनकयोर्मरणे ऊढ़ायाः कन्याया अपि देहाशुद्धिरस्तु

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74. दायभागधृतं (p. 149, एकादशे अध्याये प्रथमपरिच्छेदे) वृहस्पतिवचनम्। कुल्लुकभट्टेनापि मनुसंहिता (9/187) व्याख्यायां श्लोकोऽयमुद्धृतः। कुल्लूकेन 'धर्म्मतः' 'स्थले सुरिभि'रिति पठितम्।

75. मनु (2/146) ब्रह्मजन्म हि विप्रस्य प्रेत्य चेह च शाश्वतम्।। इत्युत्तरार्धः श्लोकस्य।

इति आक्षेपः। "पत्नीनामंशभागित्वं वृहस्पत्यांदिसम्मतम्। मेधातिथिर्निराकुर्वन् न प्रीणाति समतां मनः।।" इति कुल्लूवचनम्। परमत्र भवदेवेन पतिपत्न्योर्धर्माधर्मैक्यं समर्थितं वृहस्पत्युद्धारेण।। शरीार्धम् इति। नायम् एकदेशि तत्पुरुषविषयः। तत्र "अर्धं नपुंसकम्" (Pā II. 2.2.) इति सूत्रेण अर्धपिप्पली, अर्धराज्यम् इत्यादिषु प्रसक्तिः। अत्र पुनः शरीरस्य अर्धम् शरीरार्धम् इति। नपुंसकं पदम्—तत्र समांशवाची अर्धशब्दः। यत्र तु अर्धवाची तत्र पुंसि प्रयोगः यथा ग्रामार्धः, राज्यार्धः इत्यादयः। वस्तुतस्तु सम्प्रविभागे षष्ठी समासं बाधितुं न एकदेशिसमाससूत्रम्। अतः षष्ठीसमासोऽपि भवंत्येव। तेन प्रेम्नः शरीरार्धहरां हरस्य इति षष्ठीसमासे एकदेशिसमासे तु अर्धशरीरहरामिति स्यात्। तद्वदत्रापि। विस्तरस्तु सिद्दान्तकौमुद्यां द्रष्टव्यः।

(34b) .... *mahāgurunipāte* (in the event of death of the *mahāgurus*). Three are the *atigurus* (higher/super *gurus*) of any person—they are mother, father and the preceptor—from this statement the word *mahāguru* is arrived at. 'Husband is the only one (ekaḥ) guru of women'—in this statement from the use of the word *ekaḥ* (only one) it is understood that (for the wife) husband is the main *guru*. Regarding *dharma* & *adharma* (ie. *adṛṣṭa*) (it is said)— In the Veda, in the *smṛtiśāstra*, in popular custom also wife, as per *dharma*, is considered as part of the body of the husband *(ardhāṅgiṇī)* and she gets equal (share—of the husband's wealth, earthly & spiritual) in matters of virtue and vice. (In view of the above) the adoptive father can not become the *mahāguru* of the adopted son—on account of absence of bodily relation and on account of lack of supporting evidence. Therefore in the statement—"the parents, the causes of birth are to be worshipped with care"—their worship-worthiness is mentioned only on account of their being the cause of birth (of the child concerned). Similarly in the statement "Between the progenitor and the preceptor (the initiator into Vedic rites and customs) the preceptor is superior" the praise worthiness of the father is reckoned only because he is the progenitor (natural father) and not for the reason that he may be the adoptive father.

Although the *Ācārya* is an *atiguru*, his death however,

does not create any *dehāśuddhi* (bodily impurity of the disciple rendering him ineligible to do some specified works & rites) on account of absence of bodily relation (as in the case of the parents). If one says that in the case of married daughter, since in her birth the role of the parents is same (as in the birth of a male child)—in the event of demise of them (either or both) let the daughter have *dehāśuddhi* the reply is in the negative. Because the relation of progenitorship recedes with the giving away of her in nuptial rites

(34b) মহাগুরুনিপাতে তু ইত্যাদির অর্থ—"যেকোনও পুরুষের তিনজন অতিগুরু হন, যথা মাতা, পিতা ও আচার্য"—এই (বিষ্ণুস্মৃতির) বচন হইতে মহাগুরু পদের গ্রহণ স্ত্রীলোকদের পতিই এক (মাত্র)গুরু এই বচনে এক (মাত্র) পদের দ্বারা স্ত্রীলোকের মুখ্যগুরু স্বামী-ই ইহা পাওয়া যায়। ধর্ম ও অধর্মের (অদৃষ্টের)একতা বিষয়ে বেদে, স্মৃতি শাস্ত্রে ও লোকাচারে ধর্মানুযায়ী পত্নী জায়া পতির দেহের অর্ধাংশ তুল্য (অর্ধাংগিনী)। পুণ্য ও অপুণ্য ফলের সমান ভাগিনী—(বৃহস্পতির) এই বচনবশতঃ (স্বীকার্য)।

দত্তকগ্রাহক দত্তকপুত্রের মহাগুরু হইতে পারে না, দেহ সম্বন্ধের অভাববশতঃ ও প্রমাণের অভাববশতঃ। তাই "জন্মের হেতুদ্বয় স্বরূপ যে পিতা ও মাতা তাঁহাদের যত্নসহকারে পূজা করা উচিত' এই বচনে জন্মের কারণ বলিয়াই তাঁহারা পূজনীয় এইরূপ বলা হইয়াছে। পুনশ্চ "জনক পিতা ও সাবিত্রী মন্ত্র দাতা আচার্য রূপ পিতা—এই দুইজনের মধ্যে মন্ত্রদাতা আচার্যই গরীয়ান্"—এই বচনেও উৎপাদক জনকরূপেই পিতার গৌরব কথিত, দত্তকগ্রাহক বলিয়া কোনও গৌরবের কথা বলা হয় নাই।

(তাদৃশ) আচার্য অতিগুরু হইলেও তাঁহার মরণে দেহাশুদ্ধি হয় না—কারণ তাঁহার সহিত শিষ্যের কোনও দেহ সম্বন্ধ থাকে না।

আচ্ছা যদি বলা হয় যে বিবাহিত কন্যারও, জন্ম ব্যাপারে পিতার জনকত্ব (পুত্রের জন্ম ব্যাপারের মতই) সমান বলিয়া, জনক জননীর মরণে দেহাশুদ্ধি হোক। উত্তর হইবে না। কারণ কন্যাসম্প্রদানের দ্বারাই জনকত্ব দূরীভূত হয়।

67. मूलम्

(35A) मपगतं तथा दत्तस्यापि वालस्यानपगता जनकता जनकयोरिति चेत्। दत्ताया हि पत्यारेव महागुरुत्वमेकपदेन पित्रादिव्युदासेनाहितम्। निबन्धभिस्तदेव-शरणमदृष्टद्वारादेहसम्बन्धश्चेति। न खलु भाक्तपुत्रे दत्तकादौ तादृक् प्रमाणमस्ति। ततश्च जनकमरणे एव तस्य देहाशुद्धिर्वार्षिकी दुर्वारा न तु ग्रहीतुर्मरणे। न चात्र गोत्रैक्ये सति तादृक् सम्बन्ध एव तत्प्रयोजक इति वाच्यम्, सपिण्डाचार्य्येऽतिव्याप्तेः। एवमदत्ताया दुहितुश्च पतिसम्बन्धाभावात् सुतरां देहाशुद्धिरस्त्येवेति दिक्। प्रपञ्चितमन्यद् व्यवहारतिलके विस्तरश्चेहोपेक्षित इति॥

वालवलभी भुजङ्गसञ्चितं दत्तकादि सुतमानसोदयम्।
दोषमोषपरितोषशालिभिर्धार्य्यताममलबुद्धिभिः (वुद्धि) सूरिभिः॥

प्रायश्चित्ते तिथौ शुद्धौ सम्बन्धे ग्रहयज्ञके। व्यवहारे च संस्कारे वैद्यके विषमोचने। वेदभाष्ये शब्दभाष्ये या कृतिः साहि दत्तके।[76] कृतिः कल्याणजनिका कणिका संस्कृतस्य च भवदेवस्यार्थनेयं मोदायास्तां विवेकिनाम्॥

दीप्तिः

(35a) तद्वद् दत्तवालकस्यापि जनकता मा व्यपगच्छतु इति चेत् न। ऊढ़ायाः दत्तवालकस्य च जनने मरणे वा देहाशुद्धिर्नास्ति। पतिरेको गुरुः स्त्रीणाम् इत्यादिवचने एकपदेन पत्युरेव महागुरुत्वं स्वीकृतं निबन्धकारैः। पतिपत्न्योर्देहसम्बन्धश्च धर्माधर्मद्वारा अर्थात् अदृष्टद्वारा सम्पाद्यते। दत्तकादि गौणपुत्रे तादृक् प्रमाणं नास्ति। तेन जनकमरणे एव तस्य देहाशुद्धि दुर्वारा न तु ग्राहकमरणे। सगोत्रदत्तकस्थलेऽपि दत्तक ग्राहकयोर्गोत्रैक्यं तथाविधसम्बन्धं प्रयोजयति येन देहाशुद्धिरापतेत्। परन्तु इदं सपिण्डेष्वपि आचार्येषु अतिव्याप्तं भवेदिति न ग्राह्यम्।

अनूढायाः कन्यायाः पतिसम्बन्धाभावात् जनकयोर्मरणे देहाशुद्धिर्वर्त्तते एव। प्रासङ्गिकमन्यत् व्यवहारतिलके प्रपञ्चितम् इति आशास्महे वयं तस्य लुप्तग्रन्थस्य उद्धारो यथा भवेद् इति।

बालवलभीभुजङ्ग(म) शब्दस्तु व्याख्यातॄणां शिरोभाञ्जनः। अस्माभिस्तु बालवलभी

76. अस्मात् ज्ञायते यत् द्वादशविषयान् अवलम्ब्य भउभवदेवो ग्रन्हान् विरचयामास। परं न ते ग्रन्हाः सर्वे अधुना दृष्टिगोचराः। उपोद्घाते आलोचितोऽयं विषयः॥

इति स्थाननाम, भुजङ्ग(म) इति श्रेष्ठत्वसूचकः अथवा शासकीय पदस्य नाम-इत्याशयवद्भि रुपोद्धाते आलोचितम्।

पुष्पिकाप्रदत्तश्लोकेभ्यः महानसौ निबन्धकारः द्वादशसु विषयेषु निबन्धान् विरचय्य सार्स्वतं तपश्चरणं इति ज्ञायते। प्रसङ्गेऽस्मिन् भुवनेश्वरनगरीप्राप्तस्य भवदेव प्रशस्तिमूलकस्य लेखस्य आलोचनं समीचीनम् इत्यस्तु शम्।

(35a) If one holds that the progenitors of the adopted child do not lose their parenthood of the child given that way the reply is by nuptial rites the status of a *mahāguru* of a married girl is transferred to her husband and this is indicated by the use of the word *eka* (one ie. only) in the quotation and that removes the status of *mahāguru* for her father (and mother of that girl). That is the (only) resort of the *(smṛti)* digest writers (and) union of the (two) bodies is possible by the unseen cause (*adṛṣṭa*, ie. *dharma* and *adharma*).

In the case of secondary sons (like *dattaka*) there is no such supporting evidence. Therefore in the event of demise of progenitors — the bodily impurity for one year of the *dattaka* son becomes hardly restrained and not in the case of death of the adoptive father. Nor can it be said that the unification of the *gotra* (by transference at the time of adoption) is effective in producing *dehāśuddhi*— because in that case the principle becomes too-wide and covers the case of (extension of *dehāśuddhi*on the demise of) *sapiṇḍa* preceptor also. Thus in the case of unmarried daughters their dehāśuddhi is all the more applicable because of want of relation with the husband.

Other (related) matters are elaborated in the *Vyavahāratilaka* and details therefore have been by passed here.

Let this text collected by the Bāla-valabhī-bhujanga. Bhavadeva bhatta, for comprehension of matters relating to the *dattaka* son etc. be accepted (for approval) by scholars with flawless intellect who revel in removal of flaws.

Whatever be the (academic) activity in the works on *prāyaścitta tithi, śuddhi, sambandha, grahayajña, vyavahāra, saṃskāra, vaidyaka, viṣamocana, vedabhāṣya* and *śabda bhāṣya*, the same activity is here on the *dattaka* too. This

activity, producive of well being and a particle of Sanskrit also—be conslusive for the happiness of discerning people; this is the solicitation of Bhavadeva.

(35a) যদি বলা হয় যে দত্তক বালকের ক্ষেত্রেও দানের দ্বারা তাহার জনকের জনকত্ব সম্বন্ধ দূর হয় না—তখন উত্তর এই যে—দত্তা অর্থাৎ বিবাহিতা তাহার স্বামীতেই মহাগুরুত্ব আসিয়া যায়, উদ্ধৃত শ্লোকস্থ 'একঃ' এই পদের দ্বারা পিতা প্রভৃতির নিরসন দ্বারা (উক্ত মহাগুরুত্ব স্বামীতে) স্থাপন করা হয়। নিবন্ধকারগণ সেই ব্যাখ্যানই আশ্রয় করিয়াছেন (যে) অদৃষ্ট দ্বারা দেহ সম্বন্ধ স্থাপিত হয়। দত্তকাদি গৌণপুত্রে কিন্তু তাদৃশ প্রমাণ নাই। অতএব জনক পিতার মরণে দত্তকপুত্রের সম্বৎসর ব্যাপিনী দেহাশুদ্ধি দুর্বার হইয়া পড়ে, গ্রাহকপিতার মরণে নয়। যদি বলা হয় যে দত্তককরণের দ্বারা গ্রাহকপিতার সহিত এক গোত্রতা সম্পাদিত হয় অতএব সেই গোত্রৈক্যই বর্ষব্যাপিনী দেহাশুদ্ধির প্রযোজক হউক—তাহাও বলা যায় না—যেহেতু সপিণ্ড আচার্যের ক্ষেত্রেও সেই কারণ অতিব্যাপ্ত হইয়া পড়ে। এইভাবে অনূঢ়া কন্যার ক্ষেত্রে পতির সহিত সম্বন্ধের অভাব বশতঃ (জনক মরণে) তাহাদের বর্ষব্যাপিনী দেহাশুদ্ধি অধিকতর ভাবে প্রযোজ্য—ইহাই সিদ্ধান্ত।

অবশিষ্ট অন্য বিষয় সকল ব্যবহার তিলকগ্রন্থে আলোচিত হইয়াছে (এবং) বিস্তৃত আলোচনা এখানে (দত্তকতিলক গ্রন্থে) উপেক্ষিত হইয়াছে—ইতি।।

বালবড়রী ভুজঙ্গ (বালবলভী ভুজঙ্গ, ভবদেব ভট্ট) দ্বারা রচিত (সঞ্চিত) দত্তকাদি পুত্রদের বিষয়ে চিন্তন প্রকাশক, দোষাপসারণে সন্তোষ লাভকারী শুদ্ধ বুদ্ধি পণ্ডিতদের দ্বারা এই গ্রন্থ গৃহীত হউক। প্রায়শ্চিত্ত বিষয়ক গ্রন্থে, তিথি বিষয়ক গ্রন্থে, শুদ্ধি-গ্রন্থে, সম্বন্ধ-গ্রন্থে, গ্রহযাগ-গ্রন্থে, ব্যবহার (তিলক) গ্রন্থে, সংস্কার-গ্রন্থে, বৈদ্যকশাস্ত্রে, বিধানপাকরণক জাঙ্গলী বিষয়ক গ্রন্থে, বেদ ভাষ্যে, শব্দ ভাষ্যে যে কৃতি তাহাই দত্তক তিলক গ্রন্থে (পরিস্ফুট হইয়াছে), কল্যাণকারী ও সংস্কৃত ভাষা কণিকারূপিণী সেই কৃতি শুভাশুভ বিচার শক্তিযুক্ত পণ্ডিতদের আনন্দের কারণ হউক ইহাই ভবদেবের প্রার্থনা।

मूलम्

(35B) इति श्रीभट्टभवदेवकृतो व्यवहार तिलकोत्तरो दत्तकतिलकः सम्पूर्णः।।

वालवलभीभुजङ्गमैः कृता दत्तकादिसुतकर्मकोचिता ।
पुस्तिकेयमधुना सुदुर्लभाप्यस्तु सा सदयप्राज्ञवल्लभा ।।

नगेन्दु विलेन्दुमितेऽत्रशाके तिथौ विशाखायुतपूर्णिमायाम् ।
ईशप्रसादेन समाप्तिमागाद् व्याख्यातरूपो भवदेवग्रन्थः ॥
स्वस्ति प्रार्थयते चायं जयदेवो विमूढ़धीः ।
काली कृपार्द्रहृदया पातु नो जगदम्बिका ॥

इति सावर्णगोत्रीय वालवलभी भुजङ्ग श्रीभवदेव भट्ट कृत दत्तकतिलकस्य सावर्णगोत्रीय श्रीजयदेव शर्मविरचिता तिलकदीप्ति टीका समाप्ता ॥
शिवं भूयात् ॥ श्रीरस्तु॥ शुभमस्तु ॥ शाके १९१७ वैशाखी पुर्णिमायाम् ॥

Appendix I

दत्तकपुत्रग्रहणप्रयोग

[as prepared by Mm. Bharatchandra Shiromani and appended to his edition of the *Dattakamīmāṃsā* and *Dattakacandrikā*, Calcutta – 1857]

ग्रहणात् पूर्वदिने कृधोपवासः परदिने कृतनित्यक्रिया यजमानः कुशहस्त आचम्य विष्णुं स्मृत्वा नारायणाय गन्धपुष्पं दत्त्वा स्वस्ति वाच्यकर्त्तव्येऽस्मिन् पूत्रप्रतिग्रहकर्मणि पुण्याहं भवन्तोऽधिव्रुवन्तु इति त्रिः श्रावयेत्/ततः स्वस्ति ऋद्धिक वाचयित्वा स्वस्ति न इन्द्र इत्यादिकं पठित्वा संकल्पं कूणात्। अद्येत्यादि अमूकगोत्रः श्रीअमुकदेवशर्मा अप्रजत्वप्रयुक्त-ऋणापाकरण पुन्नामनरकत्राण द्वारा श्रीपरमेश्वरप्रीत्यर्थं मनुवृहष्पतिवशिष्ठ शौनक पराशरादि-ऋषिवाक्यानुसारेण्यत्मवंशरक्षार्थञ्च स्वशायोक्तविधिना पुत्रप्रतिग्रहमहं करिष्ये इति संकल्प गुरुं सम्पूज्य व्राह्मणान् वृणुयात्। ततो वृताचार्यः पञ्चगव्येनवेदीं शोध्यात्वा विघ्नानुत्सार्य आत्मशुद्धिं कृत्वा घटान् संस्थाप्य गणेशादीन् ग्रहान् दिक्पालान् प्रजानतिं विष्णुञ्च यथाशक्ति सम्पूज्य स्वशाखोक्तविधिना वह्निं संस्थाप्य चरुं कृत्वा स्ववामे स्थापयेत्। ततो ग्रहीता वन्धूनाहूय राजनि निवेद्य परिषदि दातुः समक्षं गत्वा पुत्रं देहीति याचेत/दाता यो यज्ञेनेति पञ्च मन्द्रान् पठित्वा ददानीजुक्त्वा वालकं दद्यात्/ग्रहीता तु देवस्य त्वा प्रसवेश्विनोर्वाहुभ्यां पुष्णो हस्ताभ्यां गृह्णन्नसाविति मन्त्रेण हस्ताभ्यां तं परिगृह्य धर्मात्वापरिगृह्णामि सन्तत्यैत्वा परिगृह्णामि इति वदेत्। अङ्गदेङ्गात् सम्भवसि हृदयादधिजायसे। आत्मावै पुत्र नामानि सजीव शरदः शतम् इत्येकवारं पठेत्/यस्त्वा हृदाकीविशामन्यमानोमर्त्यियं मर्त्यियो जोऽवीमि। जातवेदो यशोऽस्मामुवेहि प्रजाभिरग्ने अमृतमयस्याम्॥१॥ तुज्यमग्रे परैरवहञ्च रायं वहतु नः सह पुनः पतिभ्यो ना आन्दाअग्ने प्रजया सह॥२॥ सोमोऽद दद्गन्धवाय गन्धवोऽददद्ग्नये, वयिञ्च पुत्रक ददौ स मह्यमयोऽमाय्॥७॥ इति ऋक्त्रयं प्रतिऋचं पञ्चवारं हुत्वा जपेत्॥ चतो दाता इमं मन्त्रं पठेत्। अङ्गदेङ्गेन संजातः संजीव शरदःशतम्। गोत्रान्तरं चतः प्राप्य स्वस्तिमांस्त्वं सदा भव॥ पुत्रं मे धर्मतोदत्तं धर्मतः परिगृह्य च। पानयैनं यथान्यायं विधिपूर्वं यथौरसम्॥ ग्रहीता तु--धर्मार्थाय प्रजार्थाय रक्षणाय कुलस्य च। गृह्णामि त्वां यथान्यायं विधिपूवं प्रयत्नतः। पितृगोत्र निवृत्तिश्च

मदगोत्रं प्राप्तवान् भपन्। स्वस्तिरस्तु सुखंचास्तु दीर्घायुस्त्वं सदा भव। इति पठित्वा शिशोमूर्धाभिघ्राणं कुर्यात्। ततः पुत्रं वस्त्रकुण्डुलादिभिरलंकृत्य पत्न्यै समर्पयेत्। ततः सपुत्र आधासन्निधौ गत्वा दक्षिणतः अग्न्यभिमुख पैविशति। आचार्यस्तु पूर्वस्थापित चरुणा प्रजापते न त्वदेतान्यन्यो विश्वा जातानि परि ता वभूव। यत्कामास्ते जुहुमस्तन्नोऽस्त वयं स्याम पतयो रयीणाम्--स्वाहेति मन्त्रेण शतसंख्यप्रजापतिहोमं कृत्वा चरुहोमं समाप्य स्वशाखोक्तविधिना महाव्याह्नतिहोमं म्विष्पकृद्धोमञ्च कुर्थात्। ततो यथाशक्ति ऊडुम्वर समिधा विष्णुहोमं पूजितदेवअनां तिलाज्यहोमञ्च। ततः आट्यायनादि वामदेव्यगानान्तं कर्म अमाप्य श्रुवलग्नभस्मना तिलकं दत्त्वा दक्षिणां दद्यात्॥

Appendix II

MS. B. OF THE *DATTAKATILAKA*

[This summarised version of the original work utilised by Mm. Bharatacandra Śiromaṇi in his compilation work, the *Dattakaśiromaṇi*]

(folio 1b)

ॐ नमोगणेशाय। चतुर्वदन सद्मस्थचतुर्वेदकुटुम्बिने। द्विजानुष्ठेयसत्कर्मसाक्षिणे ब्रह्मणे नमः।। व्यवहारस्य तिलके दत्तकादेः प्रसङ्गतः। क्रियते भवदेवेन तिलकोदत्तकस्य च।। पुत्राभावे क्रियालोपाद्वंशसंरक्षणात्तथा। पुत्रप्रतिनिधिर्दत्तः कलौ कर्त्तव्य उच्यते। वृद्धवृहस्पतिः यज्ञार्थिनो यथा तैलं सद्भिः प्रतिनिधिः कृतः। तथैकादशपुत्रास्तु पुत्रिकौरसयोर्विना। वृद्धशातातपः- असुतेन सुतः कार्यो यादृक्तादृक् प्रयत्नतः। पिण्डोदकक्रियाहेतोर्नाम-संरक्षणाय च।। अत्र तेन पुत्ररहितेन पुंसा लिङ्गसंख्याया विवक्षणात्। तथा च मनुः क्षेत्रजादीन् सुतानेतानेकादशयथोदितान्। पुत्र प्रतिनिधीनाहुः क्रियालोपान्मनीषिणः।। आदित्यपुराणे कलौ निषेधोपक्रमे-दत्तौरसेरनान्तु पुत्रत्वेनापरिग्रहः इत्याद्यभिधाय एतानि लोकगुप्त कलेरादौ महात्मभिः। निवर्त्तितानि कर्म्माणि व्यवस्थापूर्वकं वुधैरिति वृहस्पतिरपि अनेकधा कृताः पुत्राः ऋषिभिर्यैः पूरातनैः। न शक्यन्तेऽधुना कर्त्तुं शक्तिहीनैरिदन्तनैः। तदेवं कलावौरसाभावे दत्तको विधेयः क्षेत्रजादयः पर्य्युदस्ताः इदानीन्तनैः पुरोवर्त्तिकलियुगभवैः युगान्तरे च क्षेत्रजादेरेव विधानात्। एवं नारदेनाष्टादशव्यवहारा अपि त्रेतायुग एवोक्ताः धर्म्मैकताना पुरुषा यदा स्युः सत्यवादिनः। तदा न व्यवहारोऽभून्न दोषो न च मत्सरः।। नष्टे धर्म्मे मनुष्याणां व्यवहारः प्रकीर्त्तितः। द्रष्टा च व्यवहाराणां राजा दण्डधरः राजा दण्डधरः राजा दण्डधरः स्वयमिति। नष्टे नाशधर्म्मणि। शिखी विनष्टः

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* Text as found in Ms. no. J. 233 of the Sanskrit Sahitya Parisad, Calcutta (Vide New Catalogus Catalogorum, Vol. VIII, p. 306).

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इति वत्। दण्डधरो राजा पृथुः त्रेतायां। प्रजानां रञ्जनाद्राजा पृथुर्वेणशरीरजः। उत्सारयामासगिरीन्दण्डं दुष्टेष्वपातयत् इत्यादि पुराणवाक्यात्।। अथ प्रसङ्गादुच्यन्ते द्वादशविधा एव पुत्राः। तत्र मनुः एक एवौरसः पुत्रः पित्र्यस्य वसुनः प्रभुः। स्वक्षेत्रसंस्कृतायान्तु स्वयमुत्पादयेद्धि यं। तमौरसं विजानीयात् पुत्रं प्रथमकल्पिकम्।। यस्तल्पजः प्रमीतस्य क्लीवस्य व्याधितस्य। स्वधर्म्मेण घृतन्त्रक्षाणादिना य पुत्रः क्षेत्रजः स्मृतः। माता पिता वा दद्यातां यमद्भिः पुत्रमापदि। सदृशं प्रीतिसंयुक्तं स ज्ञेयो दत्रिमः सुतः। सदृशं तु प्रकुर्य्याद् यं गुणदोषविचक्षणं। पुत्रं पुत्रगुणैर्युक्तं सविज्ञेयश्च कृत्रिमः। उत्पाद्यते गृहे यश्च न च ज्ञायेत कस्य सः। स्वगृहे गूढ़उत्पन्नस्तस्य स्याद् यस्य तल्पजः।। मातापितृभ्यामुत्सृष्टं तयोरन्यतरेण वा। यं पुत्रं प्रतिगृह्णीयादपविद्धः स उच्यते। पितृवेश्मनि कन्यातु यं पुत्रं जनयेद्रहः। तं कानीनं वदेन्नाम्ना वोचुः कन्यासमुद्भवं।। या गर्भिणी संस्क्रियते ज्ञाताज्ञातापि वा सती। वोदुः स गर्भो भवति सहोढ़ इति चोच्यते।। क्रीणीयाद् यमपत्यार्थं मातापित्रोर्यमन्तिकात्। स क्रीतकः सुतस्तस्य सदृशोऽसदृशोऽपि वा।। या पत्या वा परित्यक्ता विधवा वा यमिच्छया। उत्पादयेत् पुनभूर्त्त्वा स पौनर्भवत्तच्यते।। सा चेदक्षतयोनिः स्यात् गताप्रत्यागतापि वा। पौनर्भवेन भर्त्ता पुनः संस्कार मर्हति।। माता पितृविहीनो य स्त्यक्तो वा स्यादकारणात्। आत्मानं स्पर्शयेद्यस्मै स्वयंदत्तस्तु स स्मृतः।। यं ब्राह्मणस्तु शूद्रायां कामादुत्पादयेत् सुतं। स पारयन्नेवशवस्तस्मात् पावशवः स्मृतः।। दास्यां वा दासदास्यां

(folio 2b)

वा यः शूद्रस्य सुतो भवेत्। सोऽनुज्ञातो हरेदंशमिति धर्म्मो व्यवस्थितः।। पुत्रान् द्वादश यानाह नृणां स्वायम्भवो मनुः। तेषां षड्बन्धुदायादाः षडदायादवान्धवाः।। तथा औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च। गूढ़ोत्पन्नोऽपविद्धश्च दायादा बान्धवाश्च षट्।। कानीनश्च सहोढ़श्च क्रीतः पौनभर्वस्तथा। स्वयंदत्तश्च कौत्रश्च षड़दायादबान्धवाः। एतानि व्युत्क्रमपठितानि। षडबन्धुदायादा इति दायादाबान्धवाश्च षट् इति स्वोक्तविरोधात् बान्धवाः सपिण्डाश्च ते दायादाश्चेति समासः न च वन्धूनां दायादा इति। दायः पितृभ्रातृपितृव्यमातामहत्वादि सम्बन्धोपजातसत्त्वकं स्थावरादि तमाददते शास्त्रादिना यथेष्टविनियोगेन स्वीकुर्व्वत इति दायादाः। स्वगोत्रबान्धवज्ञाति वन्धुश्च स्वजनाः समाः इत्यमरः। अत्र वान्धवपदोपादानं सपिण्डादिधनाधिकारार्थं श्राद्धादिक्रियार्थं त्रिरात्राशौचभागित्वार्थश्च जनने मरणे चैव त्र्यहाशौचस्यभागिन इत्येकवाक्यवलात्। षड्दायादवान्धवा इति कानीनादयः षट् अण्यायादा अपि वान्धवा वन्धुकार्यमुदकं

कुर्युः पूर्व्वपूर्व्वाभावे धनभाजश्मौत (।) तथा च वौधायनः औरसं पुत्रिकापुत्रं क्षेत्रजं दत्तकृत्रिमौ। गूढ़श्चैवापविद्धश्च ऋक्‌थभाजः प्रचक्षते।। कानीनश्च सहोढ़श्च क्रीतं पौनर्भवं तथा/स्वयंदत्तं निषादश्च गोत्रभाजं प्रचक्षते।। अत्र पूर्व्वषट्कानां वचनान्तरादौरस साहचर्य्याच्च सगोत्रत्वं। मनुना पुत्रिकापुत्रस्यौरसतुल्यत्वात् द्वादशान्तर्भावो नोक्तः। अतएव याज्ञवल्क्यः औरसो धर्म्मपत्नीजस्तत्समः पुत्रिकासुतः। क्षेत्रजः क्षेत्रजातश्च स्वगोत्रेणचरेण या।। गृहे प्रच्छन्न उत्पन्नो गूढ़जः स सुतः स्मृतः।। कानीनः कन्यकाजातोमातामहसु--

(folio 3a)

तः स्मृतः। अक्षतायां क्षतायां वा जातः पौनर्भवो मतः। दद्यान्माता पिता वा यं स पुत्रो दत्तकः स्मृतः। क्री॰ास्तु ताज्यां विक्रीतः कृत्रिमः स्यात् स्वयंकृतः। दत्तात्मातु स्वयंदत्तो गर्भच्छन्नः सहोढ़जः। उत्सृष्टो गृह्यते यस्तु सोऽपविद्धो भवेत् सुतः। पिण्डदोऽर्थहरश्चैषां पूर्व्वाभावे परःपरः। अत्र पुत्रिकापुत्रस्यैव सतुल्यत्वं पूर्व्वपूर्व्वाभावे धनभागित्वञ्च स्फुटमेव। औरसपुत्रकयोधर्म्मित्वात् दत्तकः षष्ठो भवति तेनास्य नारद-मनुनैकवाक्यत्वात्। नारदः औरसः क्षेत्रजश्चैव पुत्रिकापुत्र एव च। कानीनश्च सहोढ़श्च गूढ़ोत्पन्नस्तथैव च। पुनर्भवोऽपविद्धश्च दत्तः क्रीतः कृतस्तथा। स्वयञ्चोपगताः पुत्राद्वादशैते प्रकीर्त्तिताः।। एषां षड् बन्धुदायादाः षड्दायादबान्धवाः। पूर्व्व पूर्व्वः स्मृतो ज्यायान् जघन्यास्तु षड्डुत्तरे।। क्रमादेते प्रवर्त्तन्ते मृते पितरि तद्धने। ज्यायसो ज्यायसोऽभावे जघन्यो यो य आप्नुयात्।। विष्णुः औरसक्षेत्रजपुत्रिकापुत्रगूढ़ोत्पन्न कानीनपौनर्भवदत्तक्रीतकृत्रिम स्वयमुपागत सहोढ़ापविद्धाः पिण्डदोऽशंहरश्चैषां पूर्व्वाभावे परःपरः इति मनुटीकाधृतः पाठः। क्वचिदेतेषां पूर्व्वपूर्व्वः श्रेयान् स एव दायहरः स चान्यान् विभृयात् इति पाठः दृश्यते फलतस्तौल्यं (।) अत्रेदं समाधीयते-- श्रुतिस्मृतिविरोधे तु श्रुतिरेव गरीयसी। अविरोधे सदा कार्य्यं स्मार्तं वैदिकवत्सदा इति वचने शाखाभेदात्। स्मृतीनां नानात्वात् तासां कालदेशपात्रभेदेन व्यवस्थेयानि तत्तच्छायाया अविज्ञानात् विरोधः प्रतिभाति। एवं स्मृतिद्वैध स्मृत्यर्थेन विरोधे हि अर्थशास्त्रवाधनं। परस्परविरोधे तु युक्तियुक्तं प्रमाणवत्। प्रमाणं प्रमितिजनकज्ञानं तद्युक्तमित्यर्यः। तत्रापि सर्वस्मृत्यपशदिका--

(folio 3b)

मनुस्मृतिरेव वेदार्थोपनिवद्धत्वात् प्राधान्यं हि मनुस्मृतेः। मन्वर्थविपरीता या सा स्मृति र्न प्रशस्यते इति वचनात्। वेदेति अपौरुषेयत्वेन चोदनालक्षणार्थोवेदः स च

ऋग्यजुः सामाथर्क भेदेन चतुर्धाविभक्त स्तेषां त्रयी तु वहुशायिका इति तदर्थस्य उपपरमेष्ठिमुखात् साक्षादेवावधारणेन निश्चयेन निवद्धात् ग्राह्यतत्त्वादित्यर्थः (।) तस्यैव निःश्वसितं यदेतदृग्वेद इति श्रुतैः। अन्यस्मृतीनां पारम्पर्य्योपदेशेन निवद्धत्वाद् गौणतेति। यत्तु कृते तु मानवा धर्मास्त्रेतायां गौतमाः स्मृताः। द्वापरे शङ्खलिखिताः कलौ पाराशराः स्मृताः। इति पराशरवचनं तद्व्यवहारेतरधर्म्माणां कृते प्राशस्त्यार्थकंम् अतएव शाङ्करभाष्ये-यत् किञ्चिन्मनुराह तद्भेषजमित्युक्तं व्यक्तं वृद्धमणौ--यं धर्म्मं कथायमास भृगवे च मनुः पुरा। भेषजं तद्विजानीयान्मानवानां चतुर्युगे।। अन्ये चोक्ते संहिते द्वे त्रेताद्वापरयोः कृते– अन्ये वृहन्मनुवृद्धमनुसंज्ञिते, एवञ्च वेदार्थानुभवजन्यमुनि-वाक्यानामेव स्मृतित्वमिति सामान्यत एवोक्तं युक्तियुक्तमस्यायमर्थः, युक्तिविनिगमकत्वे यथार्थज्ञानजनिका सा च क्वचित् कालिकी क्वचिद्देशिकी क्वचिदार्थिकीचेति अत्र च नानामुनिवचनानामनेकतया कानविरोषणतया च समाधानम्। यथा मनोश्चतुर्युग प्रामाणिकत्वेन वौधायनीयस्य। दृष्ट्वा मुग्धान् कलेरादौ श्रौतधर्म्मवहिर्मुखान्। दुःखाभिभूतान् मनुजान् धर्म्मं वौधायनो जगौ इति वचनस्य वक्ष्यमाणकालिकापुराणस्य कलिमात्रार्थविहितस्य औरस–

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पुत्रिकापुत्रयोः साम्येनैक्यात् षष्ठत्वेन दत्तकं गणयतो याज्ञवल्क्यस्य चैकवाक्यतया कलौ च दत्तकेतरकृत्रिमपुत्राणां पर्य्युदस्ततया दत्तकस्य च सपिण्डत्वादशौचभागित्वस्य सर्व्वजनसिद्धतया यमनारदविष्णुवेदवचनेषु पूर्व्वाभावे परःपरः स्याधिकारिकत्वेन दत्तस्यैवप्राप्ते युक्तमेव मनूक्तं बन्धुत्वं दायहरत्वञ्च दत्तकस्येति प्रतीमः। तथाच कालिकापुराणम्—औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च। गूढोत्पन्नोऽपविद्धश्च भागार्हास्तनया इमे। कानीनश्च सहोढ़श्च क्रीतः पौनर्भवस्तथा। स्वयं दत्तश्च पोष्यश्च षड़िमे पुत्रपांशुलाः। अभावे पूर्व्वपूर्व्वेषां परान् समभिषेचयेत्। तथा च न क्षेत्रजादीं स्तनयान् राज्ये राजाभिषेचयेत्। पितॄणां शुद्धयेनित्य मौरसेतनेये सति। विष्णुपुराणञ्च कलिद्वापरयोरन्ते वेदव्यासो भविष्यति। स कर्त्ता सर्व्वशास्त्राणां विष्णुरुद्रांश सम्भवः प्रायेणाल्पायुषः सन्तः कलावस्मिन् युगे जनाः कृत्यादावस्मिन् कलावित्यधिकृत्यैव पुराणशास्त्र प्रवर्त्तनात् च, अत्र दत्तकस्य उत्तरषट्के गणनमपि क्षोत्रजादेः प्राधान्यदशायां त्रेताद्वापरयोरानुसंज्ञिकं कलौ तु मनुवाक्यादेव व्यवस्था इति। एवं यमविष्णादिवचनेष्वप्यु त्तारषट्केषु दत्तकस्य पाठस्तेषां देवलवचनस्य च पूर्व्व-पूर्व्वाभावे परपरस्याधिकार प्रतिपादकत्वं कलौ-दत्तकातिरिक्तकृतेरप्रसस्त्या औरसाभावे पूर्व्वपूर्व्वाभावस्य स्वतः सिद्धतया दत्तकाधिकारः सुतरां सिद्ध एवेति। नारदवचने पितरीत्युपलक्षणं अन्यथा

औरसाधिकारोऽपि सपिण्डधने न स्यात् विशेषेणाभिधानादिति। यत्तु देवलवचनं औरसः पुत्रिकापुत्रः क्षेत्रजः कन्यकोद्भवः। गूढ़ोत्पन्नोऽपविद्धश्च सुतः पौनर्भवस्तथा। दत्तः स्वयमुपेतश्च--

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लव्धः क्रीतः कृतस्तथा। एते द्वादशपुत्रास्तु सन्तत्यर्थमुदाहृताः। आत्मजाः परजाश्चैव लव्धा यादृच्छिकास्तथा। तेषां षड्वन्धु दायादाः पूर्व्वेरन्ये पितुरेव षट्। विशेषश्चापि पुत्राणामानुपूर्व्याद्विशिष्यते। सर्व्वेह्यनौरसस्यैते पुत्रा दायहराः स्मृताः। औरसे पुनरुत्पन्ने ज्येष्ठ्यं तेषां न विद्यते। तेषां सवर्णा ये पुत्रास्ते तृतीयांश भागिनः। हीनास्तमुपजीवेयुर्ग्रासाच्छादन सम्भृताः।। अस्यार्थः—वहवश्चेत्तु सदृशाः पुत्रा दायहराः पितुरिति मनूक्त सजातीयपुत्राणां धनभागित्वम् अनूद्य विजातीयानां विशेषमाह। आनुपूर्व्येयति पूर्व्वपूर्व्वम अनतिक्रम्येत्यर्थः अनुपूर्व्वप्रातिपदिका स्वार्थे स्वार्थे यनिकृते यवर्थे पञ्चम्या पूर्व्वपूर्व्वमपेक्ष्येत्यर्थः। तृतीयान्तपाठे तु सुषमः। ततश्चात्मजापेक्षया परजास्तदपेक्षया लव्धास्ततो यदृच्छोपगता गौणा इत्यर्थः। धनाधिकारश्चाह अपविद्धान्ता पूर्व्वे षठ् सत्यौरसे क्रमेण वन्धवसपिण्डास्तथा त्यंशदायादाश्च। एतदेव स्फुटीकृतं तेषां सवर्णा ये पुत्रा इत्यादिना। कात्यायनोऽपि—औरसे पुनरुत्पन्ने ते तृतीयांशहारिणः। अन्ये उत्तरगणिताः पौनर्भवादयः षट् सत्यौरसे पितुर्दायादेव त्र्यंशहरा न तु सपिण्डानामित्यर्थादेवकारेण लभ्यते। असत्यौरसे तत्र पौनर्भवादयः षट् पितुर्वन्धूनामपि दायादाः सपिण्डाश्च पूर्व्वापूर्व्वाभावे ध्येया इत्ययसौरसेन सह भागप्रक्रमकथनादर्थः साधीयान्। ननु तेषां मध्ये आद्याः षड्वन्धूनामपि दायहराः अन्ये षट् पितुरेव दायहराः न तु सपिण्डानामित्येवार्थः समुच्यतां तथार्थत्वे मन्वाद्युक्तवन्धुत्व दायादत्व श्राद्धादिकर्त्तृत्व त्रिरात्राशौचत्वादि विधानं व्यर्थं स्याद् दत्तस्य सर्व्वजनसिद्धकृत्रिम पुत्रप्राधान्यं दत्तौरसेतरेषान्तु पुत्रत्वेनापरिग्रह इत्यादि सिद्धं व्याहन्येत। यथा वा तदर्थ स्वीकारेऽपि--

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देवलादिवचनस्य कालान्तरीयत्वमेव तु वाच्यम्। अन्यथा ततो दायमपुत्रस्य विभजेरन् सहोदराः। तुल्या दुहितरो वापि ध्रियमानः पितापि वा इति। सवर्णा भ्रातरो माता भार्य्याचापि यथाक्रम्। तेषामभावे गृह्णीयुः तुल्याणां सहवासिनः। तुल्याः सवर्णाः, ध्रियमाणो निर्दोषो जीवदवस्तः सवर्णा भ्रातरो वैमात्रेयाः। देवलवचनेन पत्नी दुहितरश्चेति अपुत्रधनं पत्न्यभिगामीत्यादि याज्ञवल्क्यविष्णादिवचनं प्राप्तं सुतधनाधिकारित्वं पत्न्या

वाध्येत तच्छर्व्व (तत् सर्व्व) निवन्धृविरुद्ध संसृष्टभ्रातृपरतया देशान्तरीयत्व कालान्तरीयत्वेन वा देवलस्य सङ्गतिं तथैतस्यापि वाक्यस्येति भाव्यं तदेव दत्तकस्य ज्ञातित्वं सपिण्डदायादत्वं सर्व्वजनसिद्धत्वमेवेति दिक्। कलौ क्षेत्रजादीनां पर्य्युदासतया औरसरूपे मुख्यपुत्राभावे तत्प्रतिनिधित्वेन दत्तकः कार्यः। स च सवर्ण एव मुख्यः असवर्णोर्द्धदेहिकनिषेधात् प्रतिनिध्यसम्भवात्। तत्रापि भ्रातृपर्य्यन्ताभावे सोदरभ्रातृपुत्रसत्त्वे स एवाकृतोऽपि पुत्रकार्य्यकारी न तु दत्तककरणाधिकारः। अपुत्रस्य गतिर्नास्ति इति धर्म्मे विनिश्चयः। औरसैर्भ्रातृपुत्रैर्वा पुत्रवन्तो हि सङ्गता इति कालिकापुराणात् वक्ष्यमाणमनुवचनाच्च। भ्रातृपुत्राभावे दौहित्रोऽपि तदभावे सपिण्डस्तदभावे निर्द्दोषसवर्णः। हीनवर्णदत्तकस्तु वैदिकर्म्मानधिकारित्वात् ग्रासाच्छादनमात्रार्थः। हीनास्तमुपजीवषु ग्रासाच्छादनसम्भृतार्धात वचनात्। पुत्रिकापुत्रस्यतु पुत्रिकायां कृतायान्तु यदि पुत्रोऽनु जायते। समसुत्र विभागः स्याज्ज्येष्ठता नास्ति हि स्त्रियाः। ज्येष्ठतानिषेधकमिदं विंशोद्धारादिवारणाय। दत्तकादि करणोत्तरमौरसे जाते औरसे पुनरुत्पन्ने ते तृतीयांशभागिनः। ते क्षेत्रजादयः पुत्राः अधिभक्तस्थावरादौ औरस–

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पौत्रस्याधिकारः दत्तकपौत्रस्यतु दत्तककार्य्याधिकारवशात् प्रवृत्तेः। यत्र त्वौरसदत्तकयोर्विभागम्भत्रैव वेदितव्यः। दत्तकस्यापुत्रापितामहादिधनाधिकारस्यैवोक्तेः। ननु सर्व्वेषामेकजातानामेकश्चेत पुत्रवान् भवेत्। सर्व्वे ते तेन पुत्रेण पुत्रिणो मनुव्रवीत् इति मनुवचनात् उक्तकालिकापुराणाच्च भ्रातृपुत्रसत्त्वे न दत्तककरणाधिकार इति वाच्यम् (।) एतद्वचनस्यापि भ्रातृपर्य्यन्ताभावपरत्वात्। पत्नी दहितरश्चैव पितरौ भ्रातरस्तथा तां सुत इत्यादि याज्ञवल्कीयेन सत्यपि भ्रातृपुत्रे पत्न्यादीनामधिकारस्योक्तत्वात्। तथाच भ्रातृपर्यन्ताभावे भ्रातृपुत्रसत्त्वे दत्तकपुत्रो न कार्य्य इति सिद्धम्। एकाजातानामिति एकाभ्यामभिन्नजननीजनकाभ्यां सहोदराणामित्यर्थः एवमेव गोविन्दराज मेधातिथिप्रभृतयः। एवं वहवीनामेकपत्नीनामेका श्चेत् पुत्रिणी भवेत्। सर्व्वास्तास्तेन पुत्रेण प्राह पुत्र वतीर्मनुरित्यत्र एकोऽभिन्नः पतिर्यासां तासाम् एकस्यां जनितपुत्रायामन्यासां तत्सपत्नीनां तत् पुत्रेणैव पुत्रवत्त्वमतो रागादिना कृतानुमतावपि न तासां दत्तककृतावधिकारः यसुतस्य पुंसोरनुमतेरकिञ्चित्करत्वात्। असुतेन सुतः कार्य्यः यादृक् तादृक् प्रयत्नतः। पिण्डोदकक्रियाहेतोर्नाम संरक्षणाय च इति वचनात्। असुतेन सुतसामान्यरहितेन पुंसा न तु स्त्रिया तस्यादान-ग्रहणयोरनधिकारात्। यथा वशिष्ठः शुक्रशोणितसम्भवः पुत्रो मातापितृनिमित्तकः। तस्य दानविक्रयत्यागेषु मातापितरौ प्रभवतः। नैकं पुत्रं दद्यात् प्रतिगृह्णीयाद्वा, स हि सन्तानाय

पूर्व्वेषाम्। न स्त्री पुत्रं दद्यात् प्रतिगृह्णीयाद्वा अन्यत्रानुज्ञानाद्भर्त्तुरिति पत्यनुमतावधिकारो गौण एव, तत्र हि पुरुषस्यैवानुमति प्रकाशनद्वारा तत्कालावध्यवस्थापनात्, अपूर्व्वद्वारा कर्म्मणः फलावध्यवस्थानवत् ग्रहणवत् दानेऽपि वोद्धम्। न च मातापितरौ प्रभवत इति द्वन्द्वश्रवणात् माता पिता वा दद्याता

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मित्यादिश्रवणाच्च। जनकाभावे जनन्या अपि दानग्रहणयोः स्वातन्त्र्यं, द्वन्द्वस्य प्रत्येकशक्तत्वत्वादिति वाच्यं अनुज्ञाविधिविरोधात्। ननु तत्रापि साहित्यं तन्त्र्यमिति चेत्तर्हि व्यर्थोऽयं न स्त्री दद्यात् प्रतिगृह्णीयाद्वेति प्रतिषेधः स्त्रियाह्यस्वातन्त्र्यतायाः सर्व्ववादित्वेन पुरुषेष्वधीनप्रवृत्तिकत्वात् (।) तथा च हारीतः दारार्थे वा धनार्थे वा धर्म्मार्थे वा विशेषतः। आदाने वा विसर्गे वा न स्त्री स्वातन्त्र्यमर्हति॥ नारदः स्त्रीकृतान्यप्रमाण्यानि कार्य्याण्याहुरनापदि। विशोषतो गृहक्षेत्रदानाधमनविक्रयाः॥ एतान्येव प्रमाणानि भर्त्ता यद्यनुमन्यते। पुत्रपत्युरभावे च राजा च पतिपुत्रयोः॥ अनापदि इति आपत् प्रतीकारार्थं स्त्रीकृतान्यपि प्रमाणान्येव इत्युक्तं। एवञ्च स्वत्वध्वंसजनक दानमापदि स्त्रियापि पुत्रस्य कार्य्यं न तु ग्रहणमपीति दान एव द्वन्द्वपदादिसम्बन्धात्। अतएव यतः शुक्रशोणितसम्भवस्य पुत्रस्य मातापितरौ निमित्तकारणरूपौ यस्य तादृशस्य स्वजनस्य दानविक्रयरागादिकृतत्यागेषु तौ प्रभभवतः न तु ग्रहणे इत्येतदर्थादेव मातुर्जननकर्त्तृत्वेऽपि सति पत्यौ दाननिषेधात् स्वतन्त्रतया ग्रहण निषेधश्चोपपद्यते। एकं वंशधरं पुत्रमापदादिना दातुमिच्छतोऽपि न गृह्णीयादिति अत्र स्वतन्त्रेच्छस्य नियन्तुमशक्यमिति न्यायेनापुत्रितावस्थायानेकेच्छया वहवोऽप्येकेनानुष्ठानेन कृताः सिध्यन्त्येव न पुनरेकेच्छयाऽपि पृथगनुष्ठान कृता इत्यर्थः। नैवमनुमतावपीति वोद्धम। एवञ्च वहवश्चोत्तु सदृशाः पुत्राऋक्थहराः पितुरित्यादि मनुवचनं पौनर्भवस्वयंदत्तदासादिपुरःसरं। एष्टव्या वहवः पुत्रा यद्यप्येको गयां व्रजेत् यजेद्वाप्यश्वमेधेन नीलं वा वृषमुत्सृजेदित्यादिवचनञ्च गयादिगमनरूपोपकृतिमात्र प्रयोजनकत्वात् पुत्रसामान्यविषयम्। न च दशास्यां पुत्रानाधेहि इत्याधानविषयकश्रुत्यैकवाक्यतया औरसपुत्रपरत्वस्य वाच्यं सम्वोवकाभावात्। केविदश्वमेधश्रुतेरौरसपरत्वमाहुस्तच्चिन्त्यं युधिष्ठिरादेः क्षेत्रजादेरपि दर्शनात् इति तादृशानामप्यपकारस्य वेदविरुद्धस्य प्रामाण्यं। यद् यदाचरति श्रेष्ठस्तत्तदेवेतरे जना इत्यादि गीतोक्तेः। वेदविरुद्धस्य वहूनामेकपत्नी कस्यानाचार इत्यनया दिशा सर्व्वत्र समाधेयम् इति।

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उक्तस्थले हि प्रयोजननानात्वेनेच्छाया अपि नानात्वात् पाण्डोः पञ्चपुत्रकत्वमविरुद्धं। वृषोत्सर्गगयागमनादिरूपोपकृतेरेकेनैव निर्वाहात्। वहवश्चेदित्यादिमनुवचनं पौनर्भवादि-यादृच्छिकपुत्राणां मनूक्तानामेव वहुकरणेऽपि शक्तं न तु दत्तकादेरित्यतो मनुवृत्तौ औरसक्षेत्रज दत्तादिद्वादशपुत्रानभिधाय वहवश्चेत्तु सदृशाः पुत्रा रिक्थहराः पितुः। पिताहरेदपुत्रस्य रिक्थं भ्रातर एव वा। त्रयाणामुदकं कार्य्यं त्रिषु पिण्डः प्रवर्त्तते। सम्प्रदातैषां पञ्चमो नोपपद्यते।। अर्थमाह—औरसादीनुपक्रम्याह वहव इत्यादि यदि तु समानरूपाः पौनर्भवादयो वहवः पुत्रास्तदा सर्वएव विभज्य रिक्थं गृह्णीयुः नेति न भ्रातरो न पितरः किन्त्वौरसाभावे क्षेत्रजादयो गौणपुत्राः पितृरिक्थहरा भवन्ति इत्यनेनोच्यते। एक एवौरसः पुत्रः पित्र्यस्य वसुनः प्रभुरित्यादिना सिद्धत्वात्। अविद्यमानौरसपुत्रस्य पत्नी दुहितृरहितस्य पिता धनं गृह्णीयात् तेषामभावे भ्रातरो धनं गृह्णीयुः। इदानीमप्यपुत्र पितामहादिधनेऽधिकारं दर्शयितुमाह त्रयाणामित्यादि त्रयाणां पित्रादीनामुदकदानं त्रिभ्य एव च तेभ्यः पिण्डा देयाः चतुर्थः पिण्डोदकयोर्दाता पञ्चमस्य त्रिसम्वन्ध्यो नास्ति तस्मादयुक्तं अपुत्रपितामहादिधने गौणपुत्राणामधिकारः औरसपौत्र प्रपौत्रयोस्तु पौत्रेण लोकान् जयति इत्यादि.....त्रैव धनभागित्वमुक्तमित्यादिना अत्र समानरूपाः पौनर्भवादय इत्युक्तं न तु दत्तकादयः। अभावे पूर्व्वपूर्व्वेषां परान् समभिषेचयेत्। पौनर्भवं स्वयंदत्तं दासं राज्ये न योजयेत् (।) अयमधिकारः पूर्व्वपूर्व्वाभावे वोद्धयः। कृतिसाध्यत्वात्तेषां पौनर्भवादयस्तु न तथा अतएव कालिकापुराणेन दत्तकादिवत् पौनर्भवस्याधिकत्व प्राप्तौ पार्व्वणाधिकारो निषिद्धयते यथा। कृते पौनर्भवष्टोमे सुतः पौनर्भवसुतः। एकोद्दिष्टं पितुः कुर्य्यान्न श्राद्धं पार्व्वणादिकं। पोनर्भवष्टोमा यागविशेषः तस्मिन् कृतेऽपि एकोद्दिष्टमेव कुर्य्यात् अकृते तदपि नेति। अत उत्कटेच्छया यथाविध्यनुष्ठाने ग्रहीता युगपदेव दत्तकाः सिद्धयन्ति किन्तु तेषामेकोद्दिष्टाधिकारो न तु पार्वणादौ। औरसः क्षेत्रजश्चव विधिना पार्व्वणेन तु।

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प्रत्यव्दमितरे कुर्य्युरेकोद्दिष्टं सुतादश इति वचनप्राप्तेः। अत्र दत्तकस्य पार्व्वणानधिकारे कलौ दत्तकमात्रस्योपादेयत्वेन तस्यैव पार्व्वणाधिकारः। पौनर्भवपर्य्युदास ज्ञापकेन कालिकापुराणीयेन ज्ञाप्यते न श्राद्धं पार्व्वणादिकं इत्यादिना (।) अतएव दाक्षिणात्त्य संग्रहेऽत्रिवचनव्याख्यानं युक्तमेव। यथाऽपुत्रेणैव कर्त्तव्यः पुत्रप्रतिनिधिः सदा। पिण्डोदकक्रियाहेतोर्यस्मात्तस्मात् प्रयत्नतः।। पिण्डः श्राद्धं दैकमञ्जलिदानादिक्रिया और्द्धदेहिकं दाहादि अत्रैव हेतुः पुत्रीकरणे निमित्तं हेतोरित्येकत्व--निर्देशात्

मिलितानामेषामेव हेतुत्वं न प्रत्येकमिति गम्यते। तेनैकैकार्थं न पृथक् पृथक् पुत्रीकरणमित्यर्थः। पुत्रत्वः प्रतिनिधिः कार्य इत्युद्दिश्य गतैकत्वञ्च विवक्षणादित्याहुः। एकेनैव प्रतिनिधिना कर्म्मनिर्व्वाहे तत्कर्म्मणि प्रतिनिध्यन्तरकरणस्याशास्त्रीयत्वाच्च। अतएव युधिष्ठिरादीनां प्रयोजनान्यत्वादिच्छाया नानात्वाच्च पञ्चत्वं सुप्रतीतमिति। एवं कृते तु दत्तके तदनुपातित्वाद्यवधारणे प्रायश्चित्तासममनीये च पुत्रान्तरकरणं शास्त्रार्थः। यज्ञादिवृतऋत्विगादिवदिति (।) तथाच द्वादशविधपुत्रहीनेन पुंसा यथाविधि राजज्ञापनवन्ध्वाइवानहोमाद्यनुष्ठानपूर्व्वकं पितृदत्तं जन्मावधिपञ्चवर्षवयस्कम् अकृतजनकगोत्रीयं चूड़ान्तसंस्कारं वालकं दत्तकं कुर्व्वान्तधीमन्तः शास्त्रवेदिनामिति वर्त्तूलार्थः। तत्रापि एकस्मिन् जीवति निर्दोषे नान्यं एकेच्छया पत्नीनामनुरोधादेकानुष्ठानेन कृता अपि वहवो दत्तकाः सिद्धाः। किन्तु तत्रापि ज्येष्ठ एव कर्म्माधिकारी नान्ये। तस्मात् प्रयोजनाभावाद् अनुपादेया इति समासः। स्त्रीकर्त्तृकग्रहणे हि अनुज्ञाशास्त्रतोहि स्त्रीकर्त्तृकनिषिद्धग्रहण—प्रवर्त्तकं अनुज्ञानस्याशुविनाशित्वेन तत्प्रयुक्तोऽधिकारः स्त्रियां स्वरूपेणादानावध्यवतिष्ठते फलावध्यपूर्व्वद्वारकर्म्मण इव तच्छुद्धिश्च सिद्धौ निवर्त्तते (।) अथैकस्य कार्य्यस्यानेकनिमित्तकत्वमिवाप्राप्तस्तु कारणवहुत्वेण कार्य्यवहुत्वमिति चेन्न। एकस्य न क्रमः क्वापि वैचित्र्यञ्च समस्यन इत्याचार्य्योदायनीयेन। प्रतिनियत कारणसमुदायस्यैकमेव कार्य्यजनकत्वमिति प्रकृते तु स्त्रिया

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दानग्रहणाय निषेधात् प्रतिप्रसवपरत्वेननानुज्ञाशास्त्रस्य सफलतया पुंस एवाधिकृतवैदिकादिकर्म्मणस्त्वेकेनैव निर्वाहादपि पञ्चत्वादिनास्वायोग्यतया.तत् कृतौ प्रतिनिधीषत इति न हि सम्भवति प्रतिनिधेः शास्त्रतः प्रतिनिधिविधानं मुख्यकर्त्तव्यत्वादस्य तथा च तादृशेच्छया सर्व्वाः प्रत्यविच्छेदेनानुज्ञानैक्येनानुष्ठानस्य सकृत्त्वे च द्व्यादयोऽविरुद्धा न त्वनुज्ञामात्रेणेति तत्रापि ते च कर्म्मार्हा इति पुलाकः यथाविधीत्यनेन दानग्रहणेनाभिलापे करणीये अतएव माता पिता वा दद्यातां यमद्भिः पुत्रमापदि। सदृशं प्रीतिसंयुक्तं सज्ञेयो दत्रिमः सुतः।। अस्यार्थो मनुवृत्तौ शुक्रशोणितसम्भवः पुत्रो मातापितृनिमित्तक इत्यादि वशिष्ठस्मरणात् मातापिता वा परस्पराज्ञया यं पुत्रं परिग्रहीतुः समानजातीयं तस्यैव पुत्राभावनिमित्तायामापदि प्रीतियुक्तं न तु भयादिना उदकपूर्व्वं दद्यात् स दन्त्रिमाख्यः पुत्रोविज्ञेय इत्याह। दन्त्रिमो दानादेव पुत्रतामापन्न इत्यर्थः। उदकपूर्व्वमित्यनेन लब्धं वाक्यन्तु अद्यामुकगोत्रोऽमुकप्रवरममुकं ममपुत्रमौरसं दत्तकपुत्रकरणाय तुभ्यमहं संप्रददे। ततो गृहमध्ये महाव्याहृतिहोमं दत्तकपुत्रकरणाय ग्रहीष्यमाणो महाव्याहृतिहोममहं कुर्व्वीय एतदपि राज्ञि ज्ञापयित्वा वन्धुज्ञातिभ्यो

निवेद्य कर्त्तव्यं। प्रयोजनन्तु आभ्यां भ्रातृतत्पुत्रदौहित्रादीनां दुर्वृत्ततावारणमेव। स्त्रीशूद्रयोर्होमानधिकारात् ग्रहणानधिकार इति कश्चित् वस्तुतो व्रत-त्यजिजनादयाद्यर्थक होमंदर्शनात् (?) न स्त्री तु हुयान्नानुपेत्त इत्यादि निषेधस्तु स्वकर्त्तव्यहोमविषयः। तस्माद्ब्राह्मणद्वारा होमयित्वाऽतिलापं गृह्णीयात् श्रौतस्मार्तक्रियाहेतोर्वृणुयादृत्विजं पुनरिति याज्ञवल्क्यीयात्। वाक्यन्तु अद्य अमुकामुकगोत्रोदृ मुकप्रवरोऽमुकदेवशर्म्मणे दत्तककरणाय भवन्तमहं ग्रहीष्ये इति। स्त्रीकर्त्तृके तु अमुकगोत्राहममुक–

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गोत्रस्य भर्त्तुर्दत्तकपुत्रकरणाय अमुकगोत्रममुकप्रवरममुकं भवन्तमहं ग्रहीष्यामीति वाक्ये विशेषः। पञ्चवर्षनियमस्तु पञ्चमंवत्सरादर्वाग्गृहीत्वा तु कृतः शिशुं। स्वगोत्रेणैवसंस्काराश्चूड़ान्ताः परिकल्पयेत्।। अथ चेज्ञातमात्रन्तु वालं दद्यादनुग्रहात्। जातकर्म्मादिकं सर्व्वं ग्रहीता तस्य कारयेत्।। पञ्चसंवत्सरात् पञ्चमसंवत्सराणां पूरणं यस्मिन् दिने इति तद्धित प्रत्ययात् साधुः। वृद्धवार्हस्पत्यात् वक्ष्यमाणकालिकापुराणाच्च ऊर्द्धन्तु पञ्चमाद्वर्षान्नच दत्ताः सुता नृप। गृहीत्वा पञ्चवर्षीयं पुत्रेष्टिं प्रथमञ्चरेत्।। पितुर्गोत्रेण यः पुत्रः संस्कृतः पृथिवीपते। आचूड़ान्तं न पुत्रः सः पुत्रतां याति चान्यतः। चूड़ाद्या यदि संस्कारा निजगोत्रेण वै कृताः। दत्ताद्यास्तनयास्तेस्युरन्यथा दास उच्यते। दत्ताद्याश्चापि तनया निजगोत्रेण वै कृताः। आयान्ति पुत्रतां सम्यगन्यवीजसमुद्भवाः।। एषामाशयः-- पञ्चवर्षोपरिकालस्योद्भवमित्यनेन लक्षिते पञ्चवर्षात् परं दत्ताद्याः कृता अपि न सिद्ध्यतीति नञः पर्य्युदासार्थकत्वात् तदेवं पञ्चवर्षीयपरत्व सिद्धौ पञ्चवर्षीयं गृहीत्वा पुत्राभ्युदयिनीमिष्टिं चरुहोमं कुर्य्यात् शालाकर्म्माङ्गाहुतयोऽपि दातव्याः इति प्रथममित्यनेन लक्ष्यते (? लभ्यते) (।) ग्रहणात् पुत्रं नान्दीमुखश्राद्धमप्याचारत्वेनाचार एव प्रमाणाभावात् पुत्रकरणाधिकारस्तु परिभाषित गृहस्थस्यैव नेतराश्रमस्थानामिति (।) तथाहि न गृहं गृहमित्याहुर्गृहिणी गृहमुच्यते। तया हि सहितान् सर्व्वान् पुरुषार्थान् समश्नुते। लोकानन्त्यं दिवः प्राप्तिः पुत्रपौत्रप्रपौत्रकैः।। पुत्रार्थे क्रियते भार्य्या पुत्रः पिण्डप्रयोजनम् इत्यादि वहुतरस्मृतिभिर्गृहस्थाश्रमस्यैव पुत्रकृतावधिक्रियते। व्रह्मचारिणो नैष्ठिकस्य पित्रादि परित्यागेन गुरुकुलवास एव कृतनियमस्य गृहौदासीन्येनाधिकारः। उपकुर्व्वाणस्य तु समावर्त्तनोत्तरमेव गार्हस्थ्याश्रमप्रवेशात्। वानप्रस्थस्य पुत्रेषु पत्नीं संन्यस्य वानप्रस्थाश्रमेवासेदिति। मनुरपि गृहस्थस्तु यदा पश्येद् वलीपलितमात्मनः। अपत्यस्यैवचापत्यं तदारण्यं समाश्रयेत्। संत्यज्य ग्राम्यमाहारं सर्व्वञ्चैव परिच्छदं। पुत्रेषु भार्य्यां निक्षिप्य वनंगच्छेत् सहैव वा।। इत्याद्यारभ्य वनेषु तु विहृत्यैवं तृतीयं

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भागमायुषः। चतुर्थ.मायुषो भागं सङ्गं त्यक्त्वा परिव्रजेत्। ऋणानि त्रीन्यपाकृत्य मनो मोक्षे निवेशेयेत्। अनपाकृत्य मोक्षन्तु सेव्यमानो व्रजत्यधः।। ऋणान्याह अधीत्य विविधान वेदान् पुत्रानुत्पाद्य धर्म्मतः। इष्ट्वा तु शक्तितो यज्ञे मनोमोक्षे निवेशयेत्। तथा च श्रुतिः जायमानो व्राह्मणः स्त्रिभिः ऋणैः ऋणवान् जायते यज्ञेन देवेभ्यः प्रजया पितृभ्यः स्यात्तोयन (?) ऋषिभ्य इति। याज्ञवल्क्योऽपि युतविन्यस्तपत्नीकसुयावानुगतो वनं। वानप्रस्थो व्रह्मचारी साग्निः खोपामनो व्रजेत्। अधीत वेदो जपकृत् पुत्रवानन्नदोग्निमान्। शक्त्या तु जपकृन्मोक्षे मनः कुर्व्वीत नान्यथा इति। मोक्षे सन्न्यासे। ननु भ्रातृजे सत्त्वे पुंसः सपत्नी पुत्र सत्त्वे स्त्रिया पुत्रित्त्वातिदेशेन कृत्रिमाद्यकरणमृतायाः अग्निसपिण्डनं प्रयोजनमिति रत्नाकरकल्पतरु प्रभृतिरुक्तं युक्तं (।) पत्नी दुहितरश्चैवेत्यादि याज्ञवल्क्यविष्णुविरोधात् कथं सङ्गमयितुं शक्यमिति चेत् भ्रातृपर्य्यन्ताभावपरत्वेनैवोपपत्तेर्वाचनिकन्या यावतारत्वाच्च।। अथ वशिष्ठः पुत्रं प्रतिग्रहीष्यन् वन्धूनाहूय राजनि निवेद्य निवेशनस्य मध्ये महाव्याह्नतिभिहूर्त्वा गृह्णीयादिति। वन्ध्वाइानादि दृष्टार्थं हरणहदिकमहष्टार्थमित्युक्तं होमस्तु ग्रहण पूर्व्वमुत्तरक्षाभिहितस्तत्रोत्तरे। इष्टिस्तु चरुणा प्रोक्ता यागस्तु पशुना स्मृतः। एतच्छेषः क्रतुः प्रोक्तो होमान्यत् पूजनंस्पृतमिति भट्टोक्त चरुहोसाधिकारे वृष्टिकामो यजेतैति पशुकामः पशु ना पुत्रसामः पुत्रेष्ट्या यजेतैति श्रुतिप्राप्तसाग्निकर्त्तृक पुत्रकामनावदधिकारिकरणीय होमोग्राह्यस्तस्यौरसमात्रपरत्वात् कामनाश्रुतेः। दत्रिमस्तु उपादेयत्वेन न कामनाविषयत्वमिति कामना हि सम्वल्पाध्यवसायिनी सा च मानसीकृतिरेवेत्यतो दत्तकादेरिच्छासाध्यत्वेपि न कामनामात्रविषयत्वम्। तथाच जाते पुत्रे अरालं मथित्वा तस्मिन्नायुष्य होमं जुहोति इत्यादि श्रुत्युक्त औरस प्रकरणीयायुष्यहोमवदत्रेष्टिर्वोद्धव्यः।।.।। अथ संस्काराः।। चूड़ाद्या यदि संस्कारा निजगोत्रेण वे कृता इत्यादि चरमसंस्कारोपलक्षणं कालिकापुराणीयं पूर्व्वसंस्कारानपि लक्षयति(।) अतएव जातकर्म्मादिकं स्वगोत्रेणैव कारयेदित्युक्तं । यदि तु स्वत्वास्पादकग्रहणान्तरं दैवादकृतसंस्कारा न गृहीतापरासु सुत्र (?) ग्रहीतृपत्न्यापि सं

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स्मरणीयः द्वयोरभावे तु तत्प्रनिनिधिवत्त्वेन पितृव्यादिभिरपि अष्टौ संस्कारकर्म्माणि गर्भाधानमिव यं यं पिता कुर्य्यात् अन्यो वा तदभावेऽपि तत्क्रमात् इति वचनात् तत्क्रमात् संस्कार्य्य पितृक्रमात्। एवं ग्रहणोत्तरमकृतचूड़ान्तसंस्कारस्य पञ्चवर्षातीतस्य

गौणकालेपि करणीयाः। संस्कारा अतिपत्येरन् स्वकालाच्चेत् कथञ्चन। हुत्वैतदेव कर्त्तव्या ये तूपनयनादधः उपनयनात् पूर्व्वं कत्तर्व्याश्चूड़ान्ताः संस्काराः। एतदिति महाव्याहृतिभिहूर्त्वा कार्याः। जातकर्म्मादिचूड़ान्तेन विना चूड़ामन्येषां जनमकृतानाकृतानां न पुनर्ग्रहीतृकरणीयतासुकृत्कृतेनैव। एवमेनः शमं याति वीजगर्भसमुद्भवमित्युक्तदोषशासनाय॥ अत्र च चूड़ाकार्य्या यथाकुलमिति कुलाचारात् द्विवर्षादौकृतचूड़ एव वालः सत्वनादेयः। चूड़ाद्या यदि संस्कारा निजगोत्रेण वै कृताः। दत्ताद्यास्तनयास्तेस्युरन्यथा दास उच्यते इयुक्तेः। अन्यथेति जनकगोत्रसंस्कारकवाले गृहीत इत्यर्थः। चूड़ाद्या चूड़ा च तदाद्याश्च इति शाकपार्थिवादित्वात् स्तपदलोपात् साधुः। ग्रहणन्तु विनैवशुल्कं दत्तकयोग्यतापादकं गृहीत शुल्कजनकदत्तगृहीतस्यापि क्रीतत्वेन पाठात् अतएव वयोभ्रान्त्या विषयलोभादिना वा कथञ्चित् पञ्चवर्षाधिकवयस्कवालग्रहणं न पुत्रफलोपधायकम। अयमपिहार्य्यभरणीयश्च भवतीत्युक्तं प्राक्। अत्रापद्यपि शुल्कपरिग्रह प्रत्यवाय श्रुतेः (।) क्रेत्तुरपि धनादिद्वारा प्रयोजकतया दूरदृष्टमिति। क्रीताया वनितामूल्यैः सा च दासी निगद्यते। तस्यां यो जायते पुत्रो दासः पुत्रस्तु स स्मृत इत्यादि वचनात् मूल्येन क्रीत्वा नोपनयः कार्य्यः एवमपत्यत्वेनाविशेषात् क्रेतु विक्रेतुश्च प्रत्यवाय इति कथं तत् ग्रहणम् (।) न कन्यायाः पिता विद्वान् गृह्णीयात् शुष्कमन्वपि। गृह्नन् शुल्काति लोभेन स्यान्नरोऽपत्य विक्रयीति मनुनापत्यत्वेन निषिद्धयते। तत्रैव भ्रातृपितृव्यादीनां विक्रयासिद्धिमाह स एव। यासामाददते शुल्कं ज्ञातयो न स विक्रयः। ज्ञातिभिः शुल्कग्रहणे तच्छरीराजनकत्वेन प्राप्तत्वान्नविक्रयं सिद्धयेदितिभावः। अत्रोच्यते पिण्डोदकादिक्रिया प्रतिनिधित्वेन दत्तकस्योपादेयता तत् पुत्रादेः कथं श्राद्धकर्तृत्वं धनभाक्त्वञ्च (,) सत्यमयुक्तमापाततः किन्तु भिन्न गोत्राः पृथक् पिण्डाः पृथकवंशकराः स्मृताः जनने मरणे चैव त्र्यहाशौचस्य भागिन इति वचनमेव समाधायकं भिन्नगोत्राजनकनिबन्धनगोत्रात् पृथकत्वं पृथक्पिण्डादातृत्वेन भोक्तृत्वेन च/एवं पृथग्वंशकराः वंशोनवायः सन्तान इति कोषात्-जनकत्व निवन्धन गोत्रात्ग्रहीतृ—

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गोत्रप्राप्त्या तदीयसन्तानप्रवर्त्तका इत्यर्थः एतद्वचनस्य दत्तकप्रकरणीयत्वेन क्षेत्रजपुत्रिकायाः सन्तानार्थत्वेनोक्तत्वाच्च न कृत्रिमत्वादि पुत्रविषयं किन्तु दत्तकविषयमेव। जनने मरणे चैवेति अशौचमपि दत्तकस्येव न कृत्रिमादेः क्षेत्रजस्य मातृवर्णाशौचविधानात् पुत्रिकायाः कन्यात्वेन त्रिरात्रैकरात्रादिविधानाच्च। ननु गोत्रभाजः प्रचक्षते इत्युक्तवौधायणीयेन गोत्रप्राप्त्याशौचभागित्वमप्यास्तां कृत्रिमादेरितिचेत् तथासति

दत्तकस्य विशेषविधानं व्यर्थं स्यात् परं त्वेषां गोत्रभागित्वेनैवाशौचभागित्वमित्यर्थे किं मानं (?) गोत्रन्तु आदि पुरुषब्राह्मणरूपः नह्यस्ति गोत्रजत्वेन दशरात्रत्रिरात्राद्य-शौचभागित्वं प्रमाणं वयन्त्वत्र गोत्रजानामहः स्मृत इति वचनात् श्राद्धाद्यनुरोधे सति एकाहः न चेत् स्नानमात्रम् इति प्रतीमः। त्र्यहाशौचस्य भागिन इत्यत्र वहुत्वोपादानं सन्तानाभिप्रायं, तथाहि दत्तकस्यापुत्रस्य मरणे सपिण्डानां त्रिरात्रं सकुल्यादीनाम-शौचाभावः। एवं ग्रहीत्रादिसपिण्डकरणे दत्तकस्य तत्सुतादेश्च त्रिरात्रं सकुल्यादीनां मरणे त्वशौचाभावः (।) जनने ज्ञातिपुत्रादीनां सपिण्डजननमरणयोः (स्) त्रिरात्रमपि तु स्वजात्युक्तमेव कालाशौचन्तु दत्तकस्य व्यवहारविरुद्धममूलं, न च दत्तकस्य जनकमरणेप्यशौचकालाशौचवाधकं प्रमाणमस्ति तथाहि दानविक्रयश्च शरीर साध्यव्यवहारार्थं पिण्डाद्युपकारार्थं वात्रच तदीय शरीरशेषिककर्म्माणां स्वसाध्यानां योगादीनाञ्च पूर्व्वभागित्वं ग्राहकादीनामिति नच जनकताप्रयोज्यशुक्रशोणितजन्मत्वाभा-वस्तत्रास्ति तथात्वे उपादाननाशात्, शरीरनाशापतेः घटनाशवत्। न चाप्यस्ति ग्राहकस्य महागौरवं येन देहाशुद्धिरापद्यते (।) साहि विहितकर्म्मानर्हताप्रयोजकोदृष्टरूपा-समवायेनात्मन्यवतिष्ठते न चास्ति आत्मकलेवरयोरेकधर्म्मिकत्वं (।) अतएव प्रमीतौ पितरौ यस्य देहस्तस्याशुचिर्भवेत्। नापि दैवं न वा पैत्रं यावत् पूर्णो न

(folio 10a)

वत्सर इत्यत्र शुक्रशोणितसम्वन्धाद्देहस्यैवाशुचित्वमुक्तं तदेव परम्परया आत्मन्यदृष्टरूपेणाश्रयति (।) शरीरं हि पुण्यपापसाधनमात्रं न तु तत्फल भोक्तृ इति। न च दुहितॄणामदत्तानामिव दत्तानाञ्चास्तु तदिति वाच्यं वाधकात्। तद्व... गुरुरग्निर्द्विजातीनां वर्णानां ब्राह्मणो गुरुः। पतिरेको गुरुस्त्रीणां सर्व्वत्राभ्यागतोगुरुः। इति वचनमेव जन्महेतूहि पितरौ पूजनीयौ प्रयत्नतं इत्यादि वचनेषूत्पादकत्वेनैव महागुरुत्वं न तु ग्राहकत्वेनेति तथाहि देहसम्वन्धादेव जनकयोर्मृतौ कालाशौचं तागतोस्याचार्थस्य सुतौ (?) तदिति संक्षेपः। पत्न्यास्तु मृते भर्त्तरि नारीणां देहाशौचं भवेत् सममिति शातातपवचनात् देहाशौचं ।। ।। इति श्रीभवदेवभट्टकृतौ व्यवहारतिलकोत्तरे दत्तकतिलकः सम्पूर्णः।। ।। शकातीताव्दाः १७३७/३/२ शाके सप्ति धनञ्जयाब्धिशशिगे सूर्य्येनभोद्व्यंशगे श्रीमद्विप्रचतुर्भुजस्य निखिलव्याख्यातशास्त्रावनेः। आज्ञां प्राप्य वसुन्धरासुरगुरोरङ्गीकृतसादरे श्रीमत्केवलरामपण्डितवरे प्रीत्यैतयोरञ्जुसा।। विज्ञाप्याभ्युपपत्तिलब्धुमनमादीनैकवन्धोः परं सन्धानेन सुभागधेयमनिशं व्यालोक्य पत्रीं मुदा। श्रीमद्रामदुलालसेनभिषजा व्यालेखि पुस्तीद्वयं।। स्वस्ति प्रार्थयता चतुर्भुजपददन्द्वारविन्दोत्करे ।।२।। पुस्तकं।।

Appendix III

AN ILLUSTRATIVE GLOSSARY OF SMṚTIC TERMS RELEVANT TO ADOPTION

अक्षतयोनि – A virgin not yet blemished by sexual intercourse.

अग्निष्टुत् – Laudatory of Agni. An one day sacrifice–usually the first day of अग्निष्टोम sacrifice.

अग्निष्टोम – Name of a sacrifice forming one of the chief modifications of the ज्योतिष्टोम done by one desirous of obtaining heaven. Here the performer in a brāhmaṇa maintaining sacred fire, the offering is the juice of the Soma plant, the deities are Indra, Agni etc. the number of priest required is sixteen and the ceremonies continue for five days.

अग्रेदिधिषु – Younger sister married before the elder.

अघमर्षण – A kind of expiatory recital of the highly philosophical and cosmogonic Ṛgvedic hymn. X. 190. 1-3. It is also the name of a *vrata* in which one has to fast for three days, stand up by day and sit by night and to donate a anilah cow at the end.

अतिगुरु – Father, mother and preceptor are called अतिगुरु.

अतिथि – (lit. traveller). One not staying permanently. A Brāhmaṇa guest who stays for one night.

अतिदेश (अतिदिष्ट, आतिदेशिक) –Extension of the sphere of application of a certain rule; substitution e.g. the extension of the rules about the murder

of a Brāhmaṇa to the injury inflicted on a Brāhmaṇa by one striking him with the intention of killing. The गोत्र name of the Brāhmaṇa priest extended to the disciple of Kṣatriya or Vaiśya caste.

अनुचान - One who has mastered the Vedas and the Vedāṅgas.

अन्नप्राशन - The ceremony in which a child is fed for the first time, with rice, after birth. According to Yājñavalkya, it is to be held in the sixth month from the child's birth.

अन्वष्टका - The ninth day in the latter half of the three (or four) months following the full moon in Agrahāyaṇa, Pauṣa, Māgha (and Phālguna).

अनुमरण - following in death. The (beastly) custom of post cremation of a widow.

अपविद्ध - One cast off by one's parents and accepted by another person as his son, one of the twelve kinds of sons.

अमत्र - An earthen vessel. A dish. A cooking pot.

अर्धसीरिन् - A cultivator, a ploughman who takes half of the produced crop for his labour.

अवकीर्णी - A Brahmacārin who has fallen from his vow owing to moral turpitude.

अवभृथ - Ablution performed after the conclusion of a sacrifice.

अवीरा - A woman having neither husband nor sons. A woman who is independant but not gone astray.

अशौच - Impurity or defilement caused either by child birth (जनन) or death (मरण) in the family.

अश्वमेध - Name of a sacrifice in which a horse has to be immolated (मनु. 11.261). The horse was to

be let loose by a king under the protection of military. On its return after a year the sacrifice was to be performed.

अष्टका – The eighth day after full moon (especially in हेमन्त & शिशिर seasons) on which the progenitors or manes are worshipped. The three kinds of अष्टकाश्राद्धऽ are (अ)पुपाष्टका– in which cakes are offered. मांसाष्टका in which meat is offered and शाकाष्टका where vegetables are offered.

आग्नीध्र – Coming from or belonging to the अग्नीध priest who kindles the sacrificial fire. The place where the sacred fire is kindled.

आग्रयण – A ritual (इष्टि) in which fresh corns are first offered to the gods after the rainy season. It roughly corresponds to the Bengali custom of नवान्न. The first सोम libations at the अग्निष्टोम sacrifice.

आचार्य – (1) One who, having performed the उपनयन of his pupil, teaches him the Veda along with the Kalpasūtra and the Upaniṣad. (2) One from whom the pupil learns his duties. (3) A teacher/a preceptor in general.

आततायी – [lit. endeavouring to kill some one]. The following hostile persons are so called : an incendiary, a poisoner, one armed with a weapon, a robber, one who wrests a field or carries away another's wife.

आधान – Pledging or mortgaging. Placing or fontting upon (things to others as pledge etc. Kindling of the sacrificial fire.

आधि – Pledge or mortgage of a chattel or immovable property to the creditor himself with or without possession.

आधिवेदनिक – A kind of स्त्रीधन presented to a woman by her husband on his marrying another woman.

आभ्युदयिकश्राद्ध – same as वृद्धिश्राद्ध

आयोगव – (i) One born of the union of a Śūdra male and a Vaiśya female (ii) One born of the union of a Vaiśya male and Kṣatriya female.

आर्षविवाह – One of the eight forms of marriage in which the bride is given away after her father receives a pair or two of cattle as a matter of form and not as price of the bride from the groom.

आसुरविवाह – One of the eight forms of marriage, in which the bridegroom purchases the bride from her father or other paternal kinsmen.

आहवनीय – A consecrated fire taken from the householder's perpetual fire, one of the three fires (the eastern) burning at a sacrifice.

इष्टापूर्त – Of these इष्ट means "whatever is offered in the गृह्य fire and the three श्रौत fires (गार्ईपत्य आहवनीय & दक्षिण) and the offerings made inside the वेर्दि in the श्रौत sacrifices.

पूर्त means dedication of deep wells, oblong large wells and tanks (वापी, कुप & तडाग) temples, distribution of food and maintaining gardens".

उग्र – Child of a Brāhmaṇa male and Śūdra female or Kṣatriya male and Śūdra female or Vaiśya male and Śūdra female.

उत्पात – An abnormal natural phenomenon foreboding calamity or one portent.

उटकी/उटक्या – A woman in her monthly impurity.

उपकुर्वाण – A pupil who on completion of Vedic studies and becoming a householder honours his preceptor. A Brāhmaṇa in the stage of pupilage (ब्रह्मचारि) who wishes to pass on to

the stage of a गृहस्थ (opposed to नैष्ठिक ब्रह्मचारिन् or life long celibate).

उपधि – Fraud, circumvention.

उपनयन – Initiation of a pupil, by the preceptor, to Vedic studies.

उपपातक – A class of lapses called minor sins like giving up Vedic studies, following the profession of dancing, singing etc., cow-killing, fornication and the like.

उपवीती – One who wears the यज्ञोपवीत in the regular way i.e. allows it to hang over the left shoulder and under the right arm.

उपाकर्मन् – Commencement of Vedic studies.

उपाध्याय – One who teaches a pupil a portion of the Veda or the Vedāṅgas for livelihood.

उष्ट्रिका – An earthern (wine) vessel of the shape of a camel.

ऋक्थ – Any property, wealth, especially that left by one at death; inheritance.

ऋण – A debt or obligation. Every one that is born has three debts to pay off; to sages (ऋषि-ऋण by learning the Vedas), to the gods (देव-ऋण by offering sacrifices) and to the ancestors (पितृ-ऋण by begetting male child).

ऋत – (i) True, Truth, Proper, Right, Divine Law, Sacred custom. A fixed or settled rule. (ii) Gleaning of corns from agricultural field as a means of a Brāhmaṇa's obtaining livelihood.

ऋत्विक् – Priest, usually of four kinds, viz. Hotā, Adhvaryu, Brahmā & Udgātā.

ऋषियज्ञ – Same as ब्रह्मयज्ञ

एकोद्दिष्ट – A kind of श्राद्ध performed for one definite individual deceased.

औदुम्बर – (i) Made of udumbara wood (ii) Red in colour (ie. made of copper).

औरस – A son begotten by a man on his wife.

कन्या – An unmarried girl or daughter, a virgin, a maiden, a ten year old girl.

कन्याशुल्क – Money given to the bride's father as her price, purchase-money of a girl.

करण – One born of the union of a Vaiśya male and Śūdra female. Child of a Kṣatriya *vrātya* and a kṣatriya woman.

कर्मान्त – (i) A place where sugarcanes and paddy are gathered. A factory. (ii) Conclusion of a work.

कर्म – Action, work or rites. Theologically are of three types– नित्य (obligatory), नैमित्तिक (occasional) and काम्य (desired).

कलिवर्ज्य – Some customs like नियोग, दीर्घकालब्रह्मचर्य etc. which are prohibited in the Kaliage. Some of these कलिवर्ज्यऽ as enumerated in the आदित्यपुराण have been quoted by भट्टभवदेव in his दत्तकतिलक (fol. 7b). Raghunandana also quoted them in his उद्वाहतत्त्व, P.V. Kane made exhaustive discussion (Hist. of Dharmaśāstra, vol. S. III pp. 926-968) and before him Prof. Batuknath Bhattacharya (Kalivajya).

कव्य – Oblation of food offered to deceased ancestors.

कानीन – Son of an unmarried woman, one of the twelve types of Sons.

कायतीर्थ – The root of the little finger.

कायविवाह – The form of marriage called प्राजापत्यविवाह ।

कायस्थ – (i) A scribe in the revenue department of the king. (ii) Name of a caste which, according to some, is Śūdra.

कामस्तुति – Name of the hymn VII. 48 of the *Vājasaneyi Samhita (=Śukla Yajurveda).*

कीनाश – A cultivator.

कुण्ड – Offspring of the clandestine union between a man and a woman whose husband is alive.

कुम्भकार – A potter, a type of शूद्र. A mixed caste man born of the union between वैश्या woman and ब्राह्मण.

कुम्भीधान्यक – One who has a store of corn, in an earthern vessel, sufficient for six or ten days or according to others for one year or six months. The emphasis is on the non-greediness—on the non-hoarding habit.

कुथुलधान्यक – A householder who has grain stored for three year's consumption.

कुष्माण्ड – Name of a होम

कुष्माण्डी – Name of the verse xx. 14.ff of the *Vajasaneyi Samhita.*

कृच्छ्र – (i) Bodily mortification penance (ii) A particular kind of penance. for an incapable person, one cow is substituted for this penance.

कृच्छ्रातिकृच्छ्र – (i) A penance in which only water is drunk on those days on which food is allowed. (ii) A penance in which one has to subsist on water alone for 21 days, four cows are substituted by some for this purpose when the sinner is incapable of undergoing it.

कृत्रिम – One of the 12 kinds of sons. He is a grown up boy adopted without the consent of his

natural parents or a parentless boy adopted by a person as his son after alluring him with money, land etc.

क्रीत-/क्रीतक – One who is purchased from one's parents in order to be treated as a son. One of the 12 types of sons.

क्षुप – A tree with small roots and branches like the करवीर. A shrub.

क्षेत्रज – One of the twelve kinds of sons allowed by old Hindu Law, the offspring of a wife by a kinsman duly appointed to raise up issue to the husband. A son begotten by a person, by means of नियोग or levirate on the wife of a sonless person. This is forbidden in the Kali age.

क्षेत्रज्ञ – knowing the body, i.e. the Soul. "The conscious principle in the corporeal frame" – Monier–Williams.

क्षेत्रिन् – (i) The husband of a woman on whom a son is begotten by another person, called बीजीन्, according to नियोग (ii) Owner of a field.

गजच्छाया – A particular astral conjunction.

गर्भाधान – Impregnation. A sacrament performed to ensure the birth of a good child. Regarding the time of performing it opinions vary.

गयाश्राद्ध – Performing श्राद्ध for the deceased at Gayā after doing the वार्षिक-सपिण्डीकरण.

गान्धर्वविवाह – One of the eight forms of marriage wherein the bride and the groom marry with mutual consent (after courtship).

गार्हपत्य (अग्नि) – The householder's sacred fire received from his father and transmitted to his descend ants; one of the three sacred fires, being that from which sacrificial fires are lighted.

गुर्विणी – A pregnant woman.

गुल्म – (i) A troop (piquet) or guard of soldiers to watch the enemy. (ii) Shrub.

गूढ़ज/गूढ़ोत्पन्न – One of the twelve kinds of sons, borm to a woman during the absence of her husband, the real father being unknown.

गोचर्म – A measure of land equivalent to : (i) 10 निवर्तन-s, each निवर्तन being equal to 30 rods square with a rod of 10 cubits. (ii) that extent which a thousand cows, with their calves and a bull, occupy without being compelled to stand doing nothing. (iii) that extent which a hundred cows, with one bull, occupy without being packed closely together. (iv) that much land the crops on which can maintain one man for a year.

गोज – Offspring of a clandestine union between a kṣatriya male and a female.

गोत्र – family race, lineage. "All persons who trace descent in an unbroken line from a common male ancestor." (P.V. Kane quoted by S.C. Banerji)

गोल/गोलक – Offspring of a clandestine union between a Brāhmaṇa widow and a Brāhmaṇa male.

चण्डाल/चाण्डाल – (i) The caste sprung from the union of शूद्र male and a ब्राह्मण female. (ii) Offspring of an unmarried woman. (iii) One born as a result of one's union with a सगोत्रा girl. (iv) son of one who after becoming an ascetic, turns back to the householder's life.

चातुर्मास्य – Name of the sacrifice performed every four months; ie. at the beginning of कार्त्तिक, फाल्गुन and आषाढ़ named वैश्वदेव, वरुण प्रधास and शाकमेध (with one गुनासीरीय)

चान्द्रायण – A form of penance in which the sinner is required to eat fifteen morsels of food on full Moon day, reduce the morsels by one on each day of the dark fortnight and to fast completely on the New Moon day. This is of many kinds, viz. पिपीलिकामध्य, यवमध्य, यतिचान्द्रायण and शिशु-चान्द्रायण.

चूड़ाकर्मन् (चूड़ाकरण / चूड़ा / चूड़) / चौलकर्मन् (चौल) – Tonsure. A sacrament in which the hair on a child's head is cut for the first time. Cūḍā means the tuft of hair kept on the head when the major part is shaved off.

छिन्नतन्तु – Without offspring or sonless. Such a person is destined to visit hall.

जातकर्मन् – A sacrament performed after the birth of a son to ensure his welfare.

जामि – Sister/A lady of the family/A lady with her husband alive.

ज्ञाति – A jnatic relation.

ज्योतिष्टोम – Name of a Soma sacrifice.

त्रसरेणु – "The mote or atom of dust moving in sun beam considered as an ideal weight of the lowest denomination (Monier-Williams).

त्र्यहाशौच – Impurity lasting for a period of three days.

दत्तक/दत्रिमपुत्र – An adopted son. A boy, who being given by his parents, is adopted by a person as a son.

दशकर्म – Fen sacraments or purificatory consecrations like गर्भाधान पुसंवल सीमन्तोन्नयन, जातकर्मन् तिष्क्रमण, चुडाकरण, उपनयन, समावर्तन विवाह etc. one of the twelve kinds of sons.

दर्श – New moon (अमावास्या) day on which a sacrifice is performed. "The day on which the moon is seen only by the Sun and by no one else."

दान – Name of a political expedient (उपाय) by which a king pleases a hostile enemy by gift.

दाय – Inheritance/Ancestral property/Patrimony.

दायभाग – Partition of ancestral property.

दायाद – One entitled to a share of patrimony or inheritance.

दायाद-बान्धवs (०--बन्धुs) – Such बन्धु (kinsman) as are entitled to inheritance.

दिधिषु/दिधिषू – An elder sister before whom her younger sister has been married.

दिवाकीर्ति – (i) Caṇḍāla, (ii) Barber.

दिव्य – Divine proof.; e.g. of ordeal, fire, water etc.

दिव्यतीर्थ (दैवतीर्थ) – The tips of fingers, supposed to be sacred for offering to gods.

देवयज्ञ – Sacrifice to gods, specially the होम, one of the पञ्चमहायज्ञ.

दैवविवाह/देवकविवाह – One of the eight forms of marriage in which the father gives away his daughter after decking her with ornaments etc. to a priest who duly officials at a sacrifice, during the course of its performance.

देवयान – Way leading to the gods.

देवल/देवलक – (i) A Brāhmaṇa who performs the worship of an image for wages for three years and who thereby becomes unfit to officiate at Śrāddhas. (ii) One who maintains himself on the treasury of a shrine. (iii) Worshipper of Śiva for wages.

द्यामुष्यायण – A son of two fathers (so to say), usually it is the designation of an only son given in adoption with the stipulation that he will be treated as the son of both the natural father and the adoptive father and therefore will

offer पिण्ड to them after their death and be their heir. This designation is sometimes given to a क्षेत्रज or दत्तक or क्रीत sons also.

देवदासी – A female in the service of gods or temple. Female temple attendant. A courtezan employed as a dancer in a temple.

देहाशुद्धि – Notional impurity of the body for a period caused by the death of near relatives (e.g parents) or birth of a family member, rendering incligibility to perform काम्यकर्म during that period.

देवयजनोल्लेख – Digging out or boring (उल्लेख) of the sacrificial place (देवयजन)

धर्माध्यक्ष – One of the eighteen posts of high state functionaries in ancient India. Superintendent of religious affairs, the administrator of justice, a judice.

नक्त – (i) Night, a particular period of time. (ii) Taking food at night (only). There is difference of opinion on नक्त. Some say it is the time when stars begin to appear, while others hold that it is the time when only one मुहूर्त of the day remains.

नरक – Hell in general. Internal regions (corresponding to the realm of Pluto-V.M. Apte) there are said to be 21 different parts of these regions where different kinds of torture are inflictive upon the sinners. मनु names the following : १. तामिस्र, २. अन्ध तामिस्र, ३. महारौरव, ४. रौरव, ५. नरक, ६. कालसूत्र, ७. महानरक, ८. संजीवन, ९. महावीचि, १०. तपन, ११. सम्प्रतापन, १२. संधाता, १३. सकाकोल, कुडगाल, प्रेतिमुर्तिक, १४. वोहशंकु, ऋजीश,

१५. पन्था, शाल्मली, असिपत्रवन, लोहदारक. Yajnavalkya names पुतिमृत्तिका, लोहितोद, सविष, अवीचि, कुम्भीपाक, महानिरय, महापथ for 3,5,9,15,17,18 & 21 above.

नागरक - Town born, polite, courteous and gallant who shows exaggerated attention to his first mistress while he is quoting some one else. Vātsyāyana Kāmasūtra has elaborate discussion on नागरक.

नान्दीमुख - Designation of the पितृs (ancestors) in whose honour वृद्धिश्राद्ध or नान्दीश्राद्ध is performed.

नामकरण - The sacrament by which a child is given a name for the first time.

नास्तिक - (i) A theist or unbeliever. (ii) Denying the consequence of sacrificial work. (iii) One who speaks ill of the Vedas, Brāhmaṇas, Dharma etc. (iv) Denying the existence of future life after death.

निक्षेप - (i) A deposit entrusted to a man after counting the article in his presence. (ii) Deposit of one's articles with another through confidence. (iii) Delivery of one's articles to another for handing over to a third. It differed from आधि in that the former was not given by way of security for a debt or for collecting interest but in confidence for safe custody.

निबन्ध - Binding, tying, fastening etc. In Smṛti—it means a treatise (when referring to a text) or a grant of property (by the king). P.V. Kane (H. Dh. S. III) has enumerated four types of निबन्ध from old texts.

नियुक्त - A male appointed for the purpose set forth under नियोग.

नियोग - The system of levirate. Appointment of a wife

or widow to procreate son from intercourse with an appointed male, usually her brother in law younger than her husband.

निरग्नि/क – One having lost or neglected the consecrated fire.

निरय – Hell (in general).

निर्हरण – Carrying out dead bodies to be burnt, carrying corpses to the funeral pile. Taking forth, carrying or drawing out.

निर्हार – Taking away, removing, drawing out, extracting. Carrying out a dead body to be burnt. Accumulation of a private store of wealth, private hoard. Evacuation of the natural excrements of the body.

निवीती – One wearing the sacred thread, like a garland, round the neck.

निषाद – Offspring of the marriage of a ब्राह्मण with a शुद्र woman. Such a offspring is called पारशव. Acc. to गौतमधर्मसूत्र निषाद is the offspring of a ब्राह्मण from a वैश्य woman.

निषेक – The ceremony of impregnation.

नीलवृष – A bull of blue or dark colour specially used in वृषोत्सर्गश्राद्ध.

नैष्ठिक ब्रह्मचारिन्– A life long celibate.

न्यास – An open deposit for safe custody. Handing over to some member in the house an article in the absence of the head of the house for delivery to the head of the house. Mental appropriation or assignment of various parts of the body to tutelary deities. (Tantric)

पक्षिणी-अशौच – An impurity during a period marked by a pakṣiṇī i.e. the period of one night with one day immediately preceding it and one day immediately following.

पंक्तिदूषण/पंक्तिदूषक – One who defiles society and, as such, should not be associated with specially in community dinner times.

पंक्तिपावन/पंक्तिपावक – One who sanctifies society by his presence in such ceremonial associations as community dinner.

पञ्चगव्य – The five products of the cow, viz. milk, card, ghee, cow's urine and cow-dung—taken collectively and considered sacred and purifying.

पञ्च(महा) यज्ञ – The five religious acts to be performed by a householder viz. ब्रह्मयज्ञ (study of the Vedas), पितृयज्ञ (offering libasions of water to the manes), देवयज्ञ (=Homa), भूतयज्ञ (बलि or offering food etc. to birds, beasts etc.) & नृयज्ञ (hospitality).

पञ्चवर्ग – The five classes of spies—कापटिक (fictitious student), उदास्थित (an ascetic who has violated his vows), गृहपतिकव्यंजन (an agriculturist in distress), वैदेहकव्यंजन (a decayed merchant) & तापसव्यंजन (a rogue in the guise of a mendicant). These are collectively called संस्थ type of spies by Kauṭilya.

पञ्चसूना – [lit. 5 places of slaughter] The five things in a house by which animal life may be accidentally destroyed viz. the fireplace (चुल्ली), slab for grinding spices & condinents (पेषणी), broom (उपस्कर), pestle and mortar (कण्डनी) and water pot (उदकुम्भ). To remove the sin that may be incurred in these places a house holder was required to perform daily the five great sacrifices (पञ्चमहायज्ञ)

पञ्चाग्नि – The five sacred fires — गार्हपत्य, आहवनीय, दक्षिण, सभ्य & आवसथ्य.

पञ्चामृत – The five kinds of divine foods—दधि, दुग्ध, नवनीत, मधु and शर्करा (curd, milk, butter, honey & sugar)

पञ्चारूढ़ – A document signed by the creditor, debtor, two witnesses & the scribe.

पण्डक/षण्डक – A eunuch.

सावित्रीपतित/पतितसावित्रीक – One whose उपनयन has not been performed and who has no instruction in गायत्रीमन्त्र.

परिवित्त/परिवित्ति/परिविन्त – The unmarried elder brother whose younger brother is married.

परिवेत्ता/परिविन्दक – The younger brother marrying before the elder.

परिवेदन – The act of one's marrying before one's elder brother.

परिषत् – An assembly of learned and pious men for the removal of doubts about धर्म.

पवमानेष्टि – A sacrifice in which offerings are given to Agni invoked under the title of पवमान. It is done while kindling the sacred fire for a sacrifice.

पतित – fallen in social status. An apostate, degraded, ostracised.

पाकयज्ञ – A sacrifice in which cooked offerings are given—e.g. वैश्वदेव, बलि, श्राद्ध, अतिथिसेवा etc. According to गौतम —these are : अष्टका, पार्वण, श्राद्ध, श्रावणी, आग्रहायणी, चैत्री & आश्वयुजी.

पारशव – Offspring of a Brāhmaṇa from a śūdra woman, sometimes designated as निषाद.

पर्व (न्) – The eight four teenth days and the New Moon & full moon days of the fort nights and the संक्रान्ति day when the sun moves from one Zodiac to another.

पार्वण – Name of a kind of श्राद्ध done on पर्व days. The general ceremony of offering oblations to all the manes at a पर्वन्

पाषण्ड – Heretic

पाषण्डिन् – Heretics like the Buddhists.

पिण्ड – A ball or lump of rice offered to the manes at obsequial ceremonies or श्राद्ध.

पितृतीर्थ – The root of the finger called आदेशिनी (index finger)

पितृलोक – The world of the manes.

पितृयज्ञ – Obsequial offering. One of the पञ्चमहायज्ञs.

पितृपक्ष – The paternal side. Relatives by the father's side. The fortnight of the manes (ie. the dark fortnight of the month of भाद्रपद which is specially meant for offering obsequial rites to the manes).

पितृबन्धु – A kinsman by the father's side. [see Bandhu]

पुंसवन – A sacrament performed, before the throbbing of the facture in the womb, for obtaining a male child.

पुत् – A particular division of hell or the infernal regions to which male-childless persons are said, to be condemned.

पुत्रेष्टि – A sacrifice performed to obtain male issue.

पुत्रिकापुत्र/सुत – i) One's daughter's son appointed to be one's own son. (ii) One's daughter appointed as one's son.

पुनर्भू – Generally means a remarried widow. They are of seven types :

i) A girl who had once been promised to be given away in marriage,

ii) A girl round whose wrist the auspicious band was tied by the husband.

iii) A girl already intended to be given in marriage.

iv) A girl who had been given with water by the father.

v) A girl whose hand was held by the bridegroom.

vi) A girl who went round the fire.

vii) A girl who bore a child after marriage.

These girls are called *Punarbhū* when married to anothor person. Authorities, however, differ on the classification of them.

पैशाच – The basest and most sinful form of the 8 forms of marriage in which a man has sexual intercourse with a girl stealthily while she is asleep or under the influence of drug or liqueur.

पौनर्भव – Son of a girl called पुनर्भु

पौगण्ड – Young, not adult. Minor and therefore unfit for litigation.

प्रणव – The mystical and sacred syllable "om".

प्रत्ता – A girl given in marriage.

प्रतिलोम – The reverse order, usually applied to marriage between a male of the lower caste and a female of the higher caste.

प्रतिष्ठापद्धति – Procedure of installation of or consecration of an image or idol or temple etc.

प्रवर – Also called आर्ष or आर्षेय, it denotes one more illustrious ṛṣis who are the ancestors of a

person and are associated with his gotra. A muni or a noble ancestor who contributes to the credit of a particular gotra or a family. [lit. chief, eminent].

प्रशस्ति – Eulogy, laudation. A panegeric or poem written in praise of person (e.g. a patron).

प्राचीनावीती – One whose sacred thread hangs over the right shoulder and under the left arm.

प्राजापत्य (विवाह) – That form of marriages in which the father gives to girl after addressing the couple with the words may both of you perform your religious duties together and honouring the bridgroom with मधुपर्क etc.

प्राजापत्य (व्रत) – A mode of expiation described variously. According to Manu, it consists of four periods of three days each following one another in which there are respectively eating once only by day, once only by night, once only without asking for food and complete fast.

प्राड्विवाक – A judge in a law suit.

प्रायश्चित्त – Atonement, expiation, indemnification. A religious act to atone for a sin.

बन्धक – Pledge or mortgage.

बीजी – The owner or given of seed, the real progenitor (as aforesaid to क्षेत्री the nominal father or merely the husband of a woman).

बलिकर्मन् – Offering of food to birds, beasts etc.

बन्धु/बान्धव – Relatives, they are of three types :

a) आत्मबन्धु – Sons of one's father's sister, mother's sister and of one's maternal uncle–(i.e. the first cousin)

b) पितृबन्धु – Sons of one's father's father's sister, father's mother's sister

and of one's father's maternal uncle.

c) मातृबन्धु – Sons of one's mother's father's sister, mother's mother's sister and of one's mother's maternal uncle.

ब्रह्मबन्धु – A Brāhmaṇa taking to condemned occupations.

ब्रह्मयज्ञ (or ब्रह्ममेध) – Study and teaching of the Vedas. One of the five पञ्चमहायज्ञs.

ब्रह्मसत्र – Sacrifice in the form of devotion or meditation, constant repetation of Vedic texts.

ब्रह्मसदन – A spot inside the house, well known in the science of housebuilding.

ब्रह्मावर्त – The part of India between the rivers Sarasvati and Dṛṣadvatī.

ब्राह्मविवाह – One of the eight forms of marriage in which the daughter is given away, after the father covers her with garments and ornaments, to a man learned in the Vedas and of good conduct whom the father of the girl himself invites.

ब्राह्मणब्रुव – One who calls oneself a Brāhmaṇa without having the qualifications of a Brāhmaṇa; i.e. a Brāhmaṇa in name only.

भुजिष्या – A woman dependent on or working for others; i.e. a slave girl.

भृगुपात – Jumping from a cliff or precipice (भृगु) to commit ceremonial suicide where no sin occurs.

मधुपर्क – A mixture of certain delicious substances offered to deities in religious ceremonies or to distinguished guests. The main ingredients are : mixture of curd and honey; mixture of water/milk and honey, meat. Now-a-days it

is used in rituals only where mixture of curd, ghee, honey, water & sugar is offered.

मलमास/मलिमुच - An intercalary month, an intercalated thirteenth month in which no religious ceremonies should be performed.

भोज्यान्न - One whose food, when offered, can be eaten by others (specially Brāhmaṇas).

महागुरु - A venerable person, specially father or mother.

महायक्ष - Same as पञ्चमहायज्ञ

महाव्याहृति - Name of the mystical formula- भुः भुवः स्वः [lit. great utterance]

यौतुक/यौतक - A kind of स्त्रीधन on which there are varying views : These are : (i) Wealth received as a gift from anybody, by a woman, when seated together with her husband at the time of marriage. (ii) Separate property of women, her स्त्रीधन. (iii) Wealth obtained from the family of the woman's father, which is separate in its characteristics.

राक्षसविवाह - One of the 8 forms of marriage in which a maiden is forcibly abducted.

रिक्थ - Same as ऋक्थ

लेपभागिन्/लेपभुज्/लेपभाज् - Paternal ancestors in the 4th, 5th, & 6th generations upwards who are entitle to लेप- i.e. particles or remnants wiped from the hand after offering oblations to the first three ancestors.

वरद Propitions. A kind of sacred fire kindled at the time of adoption rite.

वशा A barren woman or cow.

वाजपेय Name of one of the seven forms of Soma sacrifice performed by kings or Brāhmaṇas aspiring highest position.

वापन-वपन – Sharing.

वृद्धिश्राद्ध – A kind of श्राद्ध performed on an auspicious occasion, e.g. the birth of a son, the marriage of a son or daughter; the pitṛs in this श्राद्ध being designated as नान्दीमुख

वैतण्डिक – A deputatious man, captious person.

वैश्वदेव – Name of a particular ritual to be performed morning and evening and specially before the midday meal. It consists in homage paid to the Viśve devāḥ followed by baliharaṇa or offering of small portions of food to all the gods who give the good and specially to the god of fire who cooks the food and bears offering to heaven.

व्यवहार – (i) Legal procedure, (ii) Administration of justice, (iii) Contract, (iv) Competence to manage one's own affairs, majority.

व्याहृति – The mystical utterance of the names of the seven worlds, viz. भूः, भुवः, स्वः, महः, जनः, तपः and सत्य.

व्रात्य – (i) One, born to a member of the degenerate class by a wife of his own caste, on whom or on whose ancestors the sacrament of Upanayana has not been performed. (ii) Any one born of the mixture of वर्ण or castes.

व्रात्य-स्तोम – A particular sacrifice performed to recover the rights forfeited by delay of the sacraments.

शव (शाव) – Impurity arising from the death of certain relatives.

शासन – A royal edict.

शिल – Gathering of stalks or sheaf of corns for livelihood.

शुल्क – (i) Bride's price, i.e. the money paid by the bridegroom's side to the bride's guardians. (ii) Toll, tax, specially tax levied at ferries, passes and roads.

शौद्र – The son of a man either of the first three castes by a Śūdra woman [The last of the 12 kinds of acknowledged sons in ancient Hindu Law.]

श्वपच/श्वपाक – (i) Offspring of an उग्र male from a क्षतृ (a subcast) female. (ii) Offspring of a क्षतृ male from an उग्र female. (iii) Offspring of चण्डाल male and a ब्राह्मण female. (iv) Offspring of a चण्डाल male from a वैश्य female.

षण्ड, पण्ड – Eunuch.

षोडशी – i) A modification of the अग्निष्टोम sacrifice. ii) Cup or bowl for holding Soma juice in Atirātra or other sacrifices.

संग्रहण – Sexual intercourse, adultery.

सकुल्य – The three paternal ancestors above the paternal great grand father, and the three male descendants beyond the great grand son.

सनाभि – Kinsmen on the paternal side.

सपिण्ड – These persons are Sapiṇḍas of each other when they have the same पिण्ड or body, सपिण्ड generally means : one's (i) ancestors upto the sixth degree from oneself. (ii) ancestors upto the 4th degree from the mother and descendants down to the fourth degree from father.

सपिण्डीकरण – Name of the श्राद्ध performed one year from one's death where rice balls offered to him are united with those offered to his ancestors who have already died. It is supposed to unite the deceased with the body of his ancestors.

समानोदक – Having only libations of water to ancestors in common, distantly related (the relationship according to some, extending to the 14th degree, the first seven both सपिण्डऽ and समानोदकऽ, while the remaining 7 are समानोदकऽ only.

समावर्त्तन – (Something akin to present day convocation. Return home of Brāhmaṇa student after completion of studies in the preceptor's house. Also the संस्कार performed on this occasion.

सहोढ़/सहोढ़ज – A kind of (one of the 12 kinds of) son brought with a woman pregnant at her marriage.

साग्नि/साग्निक – One who maintains the sacred fire.

सान्धिविग्राहक – Minister for peace and war.

सावित्रीपतित – Same as व्रात्य

सीमन्तोन्नयन – The parting of the hair, name of one of the संस्कारऽ observed by a woman in the 4th, 9th or 8th months of pregnancy.

सूतक – Child birth, impurity of parents consequent upon the birth of their child or miscarriage.

सूतका/सूतिका – A woman recently delivered of a child or a cow that has resently calved.

शोष्यन्तीहोम – A rite relating to a parturient (ie. about to deliver child) woman.

सौत्रामणी – A certain rite sacred to India Sutrāman where wine (or Somajuice) is freely used.

सौदायिक – (i) Wealth received by a women, whether as a maiden or as a married lady in her father's or husband's house from her parents or relatives of the father and mother.

(ii) All property donated by the husband to a woman excepting immovable property.

स्त्रीधन - A woman's exclusive property consisting mainly of gifts and presents received during maiden hood—bridal stage and at kinds [for this works like these of P.V. Kane & others may be seen.]

स्वयंदत्त/स्वयमुपागत - One of the 12 kinds of sons, who bereft of parents or forsaken by them, voluntarily offers himself to a person.

स्विष्टकृत् - That which purifies the sacrifice. It is the name of a minor sacrifice that is performed while kindling a sacrificial fire and commissioning it for specific sacrifice.

हव्य - A sacrificial offering or food for the gods.*

This is an illustrative glossary of technical terms relevant to the book on the subject; and it is not exhaustive. In its preparation we have fairly made the book on the subject prepared by our esteemed teacher Dr. S.C. Banerji (in A Glossary of Smṛti Literature) besides the Sanskrit-English Dictionary of V. M. Apte. We hereby record our gratitude to them. Inquisitive readers may peruse them with other available works.